Annual Report
2014–15
Dear Attorney

I am delighted to provide to you, for presentation to the Parliament, the Office of the Australian Information Commissioner’s (OAIC) Annual Report for the year ending 30 June 2015.

Subsection 63(1) of the Public Service Act 1999 requires that I give this report to you to be tabled in the Parliament.

Section 30 of the Australian Information Commissioner Act 2010 (AIC Act) requires the Australian Information Commissioner to prepare an annual report under section 46 of the Public Governance, Performance and Accountability Act 2013 on the OAIC’s operations, including a report on freedom of information matters (defined in section 31 of the AIC Act) and privacy matters (defined in section 32 of the AIC Act).

The Annual Report includes reports on data collected from Australian Government ministers and agencies in relation to activity under the Freedom of Information Act 1982.

I certify that the OAIC has prepared a fraud risk assessment and fraud control plan and has in place appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes that meet the specific needs of the OAIC. The OAIC has taken all reasonable measures to minimise the incidence of fraud.

I certify that this report has been prepared in accordance with the Requirements for Annual Reports 2015.

Yours sincerely

Timothy Pilgrim PSM
Acting Australian Information Commissioner
28 September 2015
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Important information about this report

This Annual Report records the activities of the Office of the Australian Information Commissioner (OAIC) for 2014–15. It reports on ‘freedom of information matters’ and ‘privacy matters’, as required by ss 30, 31 and 32 of the Australian Information Commissioner Act 2010.

In each reporting year from 1982–83 until 2010–11, a separate report on the operation of the Freedom of Information Act 1982 (FOI Act) was provided to Parliament, as required by s 93 of the FOI Act. These freedom of information (FOI) annual reports were prepared using data collected from Australian Government ministers and agencies subject to the FOI Act. In 2010–11, the FOI Annual Report was provided jointly by the Australian Information Commissioner and the then Minister for Privacy and Freedom of Information.

A separate FOI Annual Report has not been published since 2010–11. The material previously published in such reports has been published in the OAIC Annual Report and on the OAIC website.
Guide to the report

Use this guide to assist you in locating the pages of the report of interest to you.

Chapter One — Year in review
This Chapter provides a summary of significant issues, developments and achievements during the year, and an outline of the year ahead.

Chapter Two — Organisation overview
This Chapter explains the Office of the Australian Information Commissioner’s (OAIC) role, functions and organisation structure and introduces its Commissioners. This section also provides an overview of the outcomes and Key Performance Indicators of the OAIC.

Chapter Three — Management and accountability
This Chapter contains an overview of the OAIC’s administrative arrangements, management of human resources and corporate governance.

Chapter Four — Communication and engagement
This Chapter outlines the OAIC’s communication and educational activities, and involvement in international networks and forums.

Chapter Five — Privacy advice and law
This Chapter outlines the OAIC’s work in supporting organisations and agencies to implement and comply with privacy law reforms that commenced in March 2014. It also describes other privacy policy activities of the OAIC including advice and submissions.

Chapter Six — Privacy compliance
This Chapter describes the work of the OAIC in relation to its privacy compliance functions, including handling enquiries and complaints, undertaking assessments and Commissioner initiated investigations and monitoring data-matching activities.

Chapter Seven — Freedom of information policy and compliance
This Chapter describes the OAIC’s activities in relation to its freedom of information (FOI) functions, including handling enquiries and complaints, and reviewing decisions.

Chapter Eight — Agency freedom of information
This Chapter describes the FOI activities of agencies and ministers in relation to the Freedom of Information Act 1982.

Appendices
The appendices contain the financial statements and material to support other sections of this report.
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This report is also available free of charge on the Office of the Australian Information Commissioner (OAIC) website at www.oaic.gov.au.

Non-English speakers

If you speak a language other than English and need help please call the Translating and Interpreting Service on 131 450 and ask for the Australian Government Office of the Australian Information Commissioner on 1300 363 992. This is a free service.

Accessible formats

All OAIC publications can be made available in a range of accessible formats for people with disabilities. If you require assistance, please contact the OAIC.
Message from the Acting Australian Information Commissioner, Timothy Pilgrim PSM

When reflecting on the 2014–15 financial year, one thing stands out. While successfully embedding the most significant reforms to the Privacy Act 1988 (Privacy Act) since its enactment was a major milestone, it was the Office of the Australian Information Commissioner’s (OAIC) ability to achieve this collaboratively with business, Australian Government agencies and consumer groups during an uncertain time for the OAIC that is most commendable.

Following the Australian Government’s announcement in May 2014 that the OAIC would be disbanded and new arrangements put in place for the administration of freedom of information (FOI) and privacy, the 2014–15 financial year had the potential to be OAIC’s least effective. It would have been natural for those working at the OAIC to have focused on their personal futures, and for productivity to have dropped. However, this was not the case. The significant output of the OAIC continued, providing an amazing demonstration of the commitment of its people to uphold the best values of the Australian Public Service (APS), and meet the needs of the Australian public.

In June 2014, in recognition of the 2014–15 Budget decision and the cessation of the OAIC on 31 December 2014, a process was commenced to scale back operations. Work commenced to transfer certain FOI functions and staffing resources to other agencies. In particular, arrangements were put in place for the Commonwealth Ombudsman to handle FOI complaints, while FOI policy and reporting activities were transferred to the Attorney-General’s Department.

Preparations also commenced to close the OAIC’s Canberra office. Staff in that office were provided with assistance to locate new employment or transition out of the APS. With the closure of the Canberra office on 5 December 2014, FOI functions were undertaken solely from the OAIC’s Sydney office.

At the same time, the OAIC had been revising its Information Commissioner review (IC review) processes to enhance the timeliness of decisions. These new processes significantly increased the number of IC review decisions made during the reporting period — 128, up from 98 in the previous year. And while the OAIC received 373 IC review applications during the year, it finalised 482, further demonstrating the impact of these enhanced processes. The average time taken to deal with new IC review applications has also been significantly reduced.

The Bill to disband the OAIC passed through the House of Representatives but was not considered by the Senate prior to the date of effect, 1 January 2015. This remained the situation through the following six months of the reporting year.
Consequently, as it became clear that the OAIC would continue on into the 2015–16 financial year, the Australian Government reallocated funding to enable the OAIC to continue to undertake a streamlined IC review function. This function continues to be effectively undertaken by a dedicated FOI team based in Sydney.

At the same time, the achievements of the OAIC in the privacy area were many. As mentioned above, we saw the bedding down of significant reforms to the Privacy Act in the lead up to the first anniversary of their commencement on 12 March 2015. The OAIC issued 32 sets of guidance material to assist entities covered by the Privacy Act, and the broader community, to understand their responsibilities and rights.

An important example of this guidance was the release of the OAIC’s *Privacy regulatory action policy* and complimentary *Guide to privacy regulatory action*, which demonstrated the OAIC’s commitment to openness and transparency in how it undertakes its privacy regulatory activities. The OAIC also released its *Privacy management framework*, designed to enable compliance and good privacy practice by embedding privacy governance within entities.

During this period, the OAIC also handled some 16,166 privacy enquiries, received 2841 privacy complaints and closed 1976, as well as handling 110 voluntary data breach notifications. The OAIC also opened the first Commissioner initiated investigation, and accepted its first enforceable undertaking, following the 2014 reforms to the Privacy Act. The OAIC commenced 12 privacy assessments to assess entities’ compliance with the Privacy Act and good personal information handling practices, and made recommendations to improve privacy practice.

To help ensure that good privacy management processes are considered early in policy development, the OAIC participated in consultations on a number of important legislative reforms, through the provision of advice and submissions to Australian Government departments and Parliamentary Committees, on major issues such as the introduction of a mandatory data retention scheme and reforms to the personally controlled electronic health system.

The OAIC’s education and promotional activities were also highlighted through another extremely successful Privacy Awareness Week, held in the first week of May. This year the OAIC was supported by 237 partner entities from across a variety of sectors to promote the message of *Privacy everyday*. The opening business breakfast and subsequent privacy impact assessment workshops were all sold out, and the OAIC successfully drew on the benefits of social media for disseminating information to an even wider audience than in previous years.

So, clearly, this was a year where, despite a challenging environment, the OAIC continued to deliver on both its privacy and FOI functions for the Australian community. I acknowledge the professionalism that achievement has embodied.
Finally, I would also like to acknowledge the leadership shown by the inaugural Australian Information Commissioner, Professor John McMillan, whose commitment to open, transparent and responsible information management practices by government in the public interest was a hallmark of his tenure as Australian Information Commissioner. In his work on information policy and FOI, Professor McMillan was also well supported by the FOI Commissioner, Dr James Popple, who resigned from the OAIC on 31 December 2014 to take up a position in the Administrative Appeals Tribunal. I wish to acknowledge James’s contributions, and also those of Alison Leonard, the former Assistant Commissioner, Corporate Support and Communications, to the establishment of the OAIC as part of the Executive team from its commencement in November 2010.
Part A
Corporate
Chapter One

Year in review

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Chapter One

Year in review

The central aim of the Office of the Australian Information Commissioner (OAIC) is to promote and uphold information privacy and information access rights through organisational excellence.

The OAIC integrates three key functions by:

- protecting the public’s right of access to documents under the Freedom of Information Act 1982 (FOI Act)
- ensuring proper handling of personal information in accordance with the standards of the Privacy Act 1988 (Privacy Act)
- providing advice to government on information policy and practice.

Those functions cast the OAIC in the various roles of regulator, decision maker, adviser, researcher and educator.

Key achievements and challenges in 2014–15

The key challenge for the OAIC in 2014–15 was responding to the Australian Government’s announcement in the 2014–15 Budget that new arrangements for privacy and freedom of information (FOI) regulation would commence from 1 January 2015.

As the Freedom of Information Amendment (New Arrangements) Bill 2014 to abolish the OAIC was not considered by the Senate before the end of the 2014 sitting period, the OAIC remains responsible for the full breadth of privacy functions, including:

- privacy complaint resolution
- a strategic assessment program
- Commissioner initiated investigations
- exercising the monitoring, advice and guidance functions, including through the provision of education materials for the community, agencies and organisations.

While some functions relating to FOI policy were transferred to the Attorney-General’s Department (AGD), and FOI complaints are now handled by the Commonwealth Ombudsman, the OAIC continues to carry out the Information Commissioner review (IC review) function.

The Australian Information Commissioner Act 2010 confers information policy functions on the Australian Information Commissioner (Information Commissioner). In anticipation of the abolition of the OAIC, information policy documents and work was provided to other government agencies with an interest in information policy.
Since that time the OAIC has not undertaken a specific work program in relation to the information policy functions, due to resourcing constraints. However, information policy issues form part of the OAIC’s work on both privacy and FOI generally.

Nonetheless, 2014–15 was another busy year for the OAIC. In 2014–15 the OAIC:

- handled 14,640 phone enquiries
- answered 3409 written enquiries
- finalised 1976 privacy complaints
- received 117 data breach notifications (including 110 voluntary data breach notifications)
- commenced four Commissioner initiated investigations
- commenced 12 privacy assessments involving 85 entities
- finalised 482 applications for IC review
- finalised 64 FOI complaints
- finalised 4384 extension of time notifications and requests
- issued seven privacy determinations
- coordinated a successful annual national Privacy Awareness Week campaign
- published 32 pieces of privacy guidance material
- conducted seven public consultations
- provided 197 pieces of external policy advice
- made 36 submissions on legislative or other formal policy development processes
- made six legislative instruments
- delivered 36 speeches and presentations.

The OAIC’s workload reflects the active interest of the Australian community in exercising their right to seek access to government information and ensuring the privacy of their personal information is respected.

The OAIC dealt with this workload during a period of decreasing staffing levels, as a result of staff departures following the closure of the OAIC’s Canberra office. The initial staffing estimate for the OAIC when it was being established was around 100 staff to carry out the three FOI, privacy and information policy functions. The average staffing level during 2014–15 was closer to 64 staff.

The OAIC also continued to feature prominently in media coverage about FOI IC review decisions, privacy law reform, privacy determinations, data breaches, investigations, and the Australian Government’s decision to disband the OAIC.
Privacy

A key focus in the OAIC’s privacy work in 2014–15 was providing advice to organisations and agencies to assist them to implement and comply with their Privacy Act obligations, following the commencement of amendments to the Privacy Act on 12 March 2014. The OAIC worked to promote privacy as a tool to enhance customer trust and confidence, and emphasised the need for organisations and agencies to build privacy into their business-as-usual processes.

To promote and support these messages, the OAIC produced a comprehensive range of privacy resources to assist organisations, agencies and the public to understand their privacy obligations and rights. The OAIC launched the Privacy management framework, a tool to help organisations and agencies ensure compliance with Australian Privacy Principle 1.2 and embed a culture of privacy into their everyday processes. The OAIC also published business and agency resources on sending personal information overseas, and a Guide to securing personal information.

The privacy reforms also gave the Information Commissioner new regulatory and enforcement powers. The Privacy Commissioner exercised a number of these new powers throughout the year, conducting privacy assessments of the private sector and accepting the first enforceable undertaking made under the amended Privacy Act. The OAIC also published two key documents that explain the OAIC’s range of privacy regulatory powers and its approach to using these powers: the Privacy regulatory action policy and the Guide to privacy regulatory action.

The 2014–15 reporting year was the third year of operation of the Personally Controlled Electronic Health Record system, established under the Personally Controlled Electronic Health Records Act 2012 (PCEHR Act). The OAIC’s eHealth activities were carried out under a memorandum of understanding with the Department of Health, and included:

- commencing three assessments
- responding to eight mandatory data breach notifications (including one that was received in the previous reporting period and finalised in 2014–15)
- providing advice to a range of stakeholders on privacy compliance obligations
- providing advice to the Department of Health on privacy issues raised by proposed changes to the PCEHR Act and the possible move to a national opt-out eHealth record system.

Throughout the year the OAIC responded to specific privacy enquiries from Australian Government and Australian Capital Territory public sector agencies, private sector bodies and individuals. A selection of these policy advices and enquiries are described in Chapter Five: Privacy advice and law and Chapter Six: Privacy compliance.

The OAIC also continued to actively participate in international privacy and data protection forums. These enable the OAIC to build collaborative relationships with other privacy regulators, keep abreast of emerging international privacy protection issues and enhance global regulatory cooperation. Chapter Four: Communications and
engagement sets out some of the specific interactions the OAIC had with these forums during 2014–15.

The OAIC coordinated another highly successful national Privacy Awareness Week in May 2015, with over 200 partners joining the OAIC in awareness-raising activities during the week. The OAIC released a series of resources to raise awareness of privacy rights for individuals, including Privacy fact sheet 8: Ten tips to protect your privacy, a ‘How to make a privacy complaint’ (Auslan) video, and a ‘Protect your customers’ privacy’ poster for businesses and Australian Government agencies.

**Freedom of Information**

In 2014–15, the OAIC undertook a range of activities to conduct IC reviews and handle FOI complaints, monitor compliance with the FOI Act by agencies and ministers, and provide policy advice and guidance.

The OAIC finalised 482 applications for IC review, 64 FOI complaints, 4384 extension of time requests and notifications, and responded to 1900 FOI related enquiries. The OAIC issued 128 IC review decisions under s 55K of the FOI Act.

During 2014–15, the OAIC significantly reduced the backlog of IC reviews and complaints that existed at the start of the reporting year. The OAIC implemented a streamlined IC review process focused on early resolution. The OAIC also conducted an own motion investigation under the FOI Act into the Department of Human Services’ FOI practices.

The OAIC provided a range of advice on FOI matters, and updated eight of the 15 parts of the Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982.

As of 30 June 2015, the legislation to transfer FOI functions to other agencies had not been considered by the Senate. The OAIC therefore undertook a full year of FOI functions in 2014–15, other than handling complaints, which have been handled by the Commonwealth Ombudsman since 1 November 2014, and FOI policy activities which are currently undertaken by AGD.

**Information Policy**

Following the Australian Government’s Budget decision, resourcing constraints have meant that the OAIC has not undertaken a specific work program in relation to the information policy functions. However, information policy issues form part of the OAIC’s work on privacy and FOI generally.

**Financial performance**

The Australian National Audit Office provided an unqualified audit opinion on the OAIC’s financial statements for 2014–15.
Outlook

Australian Government Budget decision

As of 30 June 2015, the Freedom of Information Amendment (New Arrangements) Bill 2014 had not been considered by the Senate. As such, the OAIC continues to undertake the full breadth of privacy functions, and to carry out the FOI IC review function.

Resources have been provided to the OAIC for the exercise of the FOI IC review function for 2015–16. Funding for the privacy functions has been appropriated to the OAIC for the period 2015–16. The OAIC’s budget allocation for 2015–16 does not include activities in the area of information policy.

The OAIC will also undertake privacy functions relating to the implementation of mandatory telecommunications data retention and the *Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014* (Cth). Additional funding has been provided for these functions.

The OAIC anticipates a continuing high volume of privacy and FOI review matters during 2015–16, consistent with increases since the OAIC’s establishment in 2010. Additional work is anticipated with the Australian Government announcing its intention to introduce a mandatory data breach notification scheme.

It is certain that 2015–16 will be another busy, challenging and rewarding year in the area of FOI and privacy protection.
Chapter Two

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Chapter Two
Organisation overview

Role

The Office of the Australian Information Commissioner (OAIC) is an independent statutory agency, established under the Australian Information Commissioner Act 2010. The OAIC brings together in one agency the functions of information policy advice and independent oversight of privacy protection and freedom of information (FOI) access.

On 13 May 2014, the Australian Government announced as part of the 2014–15 Budget that the OAIC would be disbanded from 31 December 2014. As of 30 June 2015, the legislation giving effect to this change had not passed Parliament. The OAIC remains responsible for privacy and FOI regulation.

See Chapter One: Year in review for more information about the Australian Government’s decision.

Functions

The three main functions of the OAIC are:

• Information Commissioner functions — providing strategic advice on information policy and practice in the Australian Government
• privacy functions — ensuring proper handling of personal information in accordance with the Privacy Act 1988 (Privacy Act) and other legislation
• freedom of information functions — protecting the public’s right of access to documents under the Freedom of Information Act 1982 (FOI Act).

The OAIC carries out a range of activities in these three core areas, including monitoring statutory compliance, investigations, performance assessments, complaint handling, review of decisions, education and awareness, and providing advice to, and promoting responsible information handling within, government and the private sector.

Commissioners

The OAIC has three statutory positions. The Agency Head is the Australian Information Commissioner, who is supported by the Privacy Commissioner and the Freedom of Information Commissioner.
Australian Information Commissioner — Prof. John McMillan

Prof. John McMillan AO was appointed Australian Information Commissioner on 1 November 2010.

Prof. McMillan was formerly the Commonwealth Ombudsman from 2003–10 and the Integrity Commissioner (Acting) for the Australian Commission for Law Enforcement Integrity in 2007. He is an Emeritus Professor of the Australian National University.

Prof. McMillan was a founding member of the Freedom of Information Campaign Committee, which led the public campaign for enactment of the FOI Act. He is a National Fellow of the Institute of Public Administration Australia, a Fellow of the Australian Academy of Law, and former President of the Australian Institute of Administrative Law.

Privacy Commissioner — Timothy Pilgrim

Mr Timothy Pilgrim PSM was appointed Privacy Commissioner on 19 July 2010.

Mr Pilgrim was first appointed to the former Office of the Privacy Commissioner as Deputy Privacy Commissioner in February 1998. Prior to this he held senior management positions in a range of Australian Government agencies, including the Small Business Program within the Australian Taxation Office and the Child Support Agency.

Mr Pilgrim was awarded a Public Service Medal in the 2015 Australia Day Honours List for ‘outstanding public service in the development and implementation of major reforms to the Privacy Act’.

Freedom of Information Commissioner — Dr James Popple

Dr James Popple was appointed Freedom of Information Commissioner on 1 November 2010.

Prior to this, he worked for 12 years in the Australian Attorney-General’s Department (AGD), with six years as First Assistant Secretary. Before joining AGD, he was a judge’s associate, then Deputy Registrar of the High Court of Australia.

Dr Popple has degrees in law and arts, and is admitted as a barrister and a solicitor. He is also an Adjunct Professor of the Australian National University (in the College of Law and the College of Engineering and Computer Science) where he conducted his doctoral research in artificial intelligence and law.

Dr Popple resigned from the OAIC on 31 December 2014 to take up an appointment as a Senior Member of the Administrative Appeals Tribunal. As at 30 June 2015, the position of Freedom of Information Commissioner was vacant.

Organisation structure

During the 2014–2015 financial year, the OAIC restructured internally to move from three branches to two, and closed its Canberra office in accordance with the Australian Government’s decision to disband the OAIC. From 5 December 2014, the OAIC is located in Sydney and has two branches.
The branches are:

- Regulation and Strategy Branch — provides advice and develops guidance and legislative instruments under the Privacy Act. This Branch also carries out Commissioner initiated investigations, performance assessments, and administers the voluntary data breach notification scheme and mandatory eHealth data breach notification scheme. The Strategic Communications and Coordination section also sits within the Regulation and Strategy Branch, supporting the OAIC by providing corporate and communications services. This section also manages the OAIC website.

- Dispute Resolution Branch — carries out complaint resolution, investigations and FOI merits review. This Branch also manages the OAIC’s public enquiries line and provides legal services and records management.

Chart 2.1 Organisation structure as at 30 June 2015

- Australian Information Commissioner
  - John McMillan
  - Vacant
  - Karen Toohey
  - Angelene Falk
  - advice and guidance
  - submissions
  - consultations
  - assessments and data-matching inspections
  - Commissioner initiated investigations
  - communications
  - information platforms
  - corporate services

- Freedom of Information Commissioner
  - Vacant

- Privacy Commissioner
  - Timothy Pilgrim

- Assistant Commissioner
  - Dispute Resolution
  - Regulation and Strategy

- Assistant Commissioner
  - Dispute Resolution
  - Regulation and Strategy

- Assistant Commissioner
  - Dispute Resolution
  - Regulation and Strategy
Outcome and programme structure

The OAIC had one outcome for 2014–15: Provision of public access to Commonwealth Government information, protection of individuals’ personal information, and performance of Information Commissioner, freedom of information and privacy functions.

In order to achieve its outcome, the OAIC focused on the strategic goals of:

- promoting and upholding information access rights and proactive publication of public sector information
- promoting and upholding information privacy rights
- achieving organisational excellence by supporting and developing the OAIC’s people, systems and processes
- championing development of a national information policy that promotes public sector information as a national resource.

The OAIC had one programme (Programme 1.1) related to the outcome: complaint handling, compliance and monitoring, and education and promotion.

The OAIC’s programme objectives for 2014–15 were to:

- conduct reviews of FOI decisions made by ministers and agencies
- monitor, investigate and report on agency compliance with the FOI Act
- assist agencies to review their compliance with the Information Publication Scheme
- promote awareness and understanding of the FOI Act and its objectives
- investigate complaints about compliance with the Privacy Act
- inquire into acts or practices that may be interferences with privacy
- exercise powers conferred on the OAIC by the Privacy Act and other laws to ensure compliance by entities with privacy requirements, including conducting performance assessments of personal information handling practices, conducting Commissioner initiated investigations and accepting enforceable written undertakings
- foster public discussion and conduct educational programmes to promote proactive publication, access to information and privacy protection
- advise on information management in Australian Government agencies.

The OAIC’s programme deliverables and key performance indicators are set out in Tables 2.1 and 2.2 below. The tables set out information about the OAIC’s performance in 2014–15 against each of the deliverables and key performance indicators. The tables also indicate where further information on each of these deliverables and key performance indicators is available in this report.

The OAIC did not progress work under the information policy function in 2014–15, following the Australian Government’s decision to discontinue this function and abolish the OAIC from 31 December 2014.
## Table 2.1 OAIC Programme 1.1 deliverables

<table>
<thead>
<tr>
<th>Programme deliverables</th>
<th>Key performance indicators</th>
<th>OAIC’s 2014–15 performance</th>
<th>Further information</th>
</tr>
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<tbody>
<tr>
<td>Privacy complaint handling services</td>
<td>80% of privacy complaints finalised within 12 months</td>
<td>98.3% of privacy complaints finalised within 12 months</td>
<td>Chapter Six</td>
</tr>
<tr>
<td>FOI complaint handling services</td>
<td>80% of FOI complaints finalised within 12 months</td>
<td>81.2% of FOI complaints finalised within 12 months</td>
<td>Chapter Seven</td>
</tr>
<tr>
<td>Privacy compliance activities</td>
<td>Performance assessments finalised within six months</td>
<td>Five performance assessments were finalised within six months</td>
<td>Chapter Six</td>
</tr>
<tr>
<td>FOI merits review services</td>
<td>80% of IC reviews completed within 12 months</td>
<td>71.1% of IC reviews finalised within 12 months</td>
<td>Chapter Seven</td>
</tr>
<tr>
<td>Information Publication Scheme agency reviews</td>
<td>No target specified for this indicator</td>
<td>The OAIC did not progress work in this area</td>
<td>N/A</td>
</tr>
<tr>
<td>Privacy and FOI enquiries services</td>
<td>No target specified for this indicator</td>
<td>No target specified for this indicator</td>
<td>Chapters Six and Seven</td>
</tr>
<tr>
<td>Advice and assistance on information management practices across the Australian Government</td>
<td>No target specified for this indicator</td>
<td>The OAIC did not progress work in this area</td>
<td>N/A</td>
</tr>
<tr>
<td>Promotion and educational activities</td>
<td>No target specified for this indicator</td>
<td>No target specified for this indicator</td>
<td>Chapter Four</td>
</tr>
</tbody>
</table>
### Table 2.2 OAIC performance against key performance indicators

<table>
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<tr>
<th>Key performance indicator</th>
<th>OAIC's 2014–15 performance</th>
<th>Further information</th>
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<tr>
<td>OAIC merits review and complaint handling processes meet timeliness and quality benchmarks</td>
<td>See Table 2.1</td>
<td>Chapters Six and Seven</td>
</tr>
<tr>
<td>The principles on open public sector information are promoted and understood across government</td>
<td>The OAIC did not progress work in this area</td>
<td>N/A</td>
</tr>
<tr>
<td>Australian Government agencies comply with the requirements of the Information Publication Scheme and disclosure logs</td>
<td>The OAIC discontinued planning for the delivery of the next phase of the Information Publication Scheme compliance review due to the Australian Government’s Budget decision to discontinue this function</td>
<td>N/A</td>
</tr>
<tr>
<td>Information and education products on privacy, FOI and information policy meet stakeholder needs</td>
<td>The OAIC produced a range of information and education products on privacy and FOI</td>
<td>Chapter Four</td>
</tr>
<tr>
<td>The Information Advisory Committee and Privacy Advisory Committee are supported in their role of providing advice to the OAIC</td>
<td>Following the Australian Government’s Budget decision to disband the OAIC, the OAIC cancelled Information Advisory Committee and Privacy Advisory Committee meetings that were scheduled to be held during 2014–15</td>
<td>Chapter Four</td>
</tr>
</tbody>
</table>
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Management and accountability

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Chapter Three
Management and accountability

Overview
This chapter reports on the Office of the Australian Information Commissioner’s (OAIC) corporate governance framework and activities, including the operation of the OAIC’s audit and executive committees, strategic and business planning, risk management and people management.

The OAIC has a memorandum of understanding (MOU) with the Australian Human Rights Commission (AHRC) that covers the provision of corporate services to the OAIC. This includes financial, administrative, information and communications technology and human resources services. The OAIC also subleases its premises in Sydney from the AHRC under this arrangement. More information on the OAIC’s MOU with the AHRC can be found in Appendix 4.

Corporate governance
The OAIC operates two standing committees — the Audit Committee and the Executive Committee.

Audit Committee
The OAIC Audit Committee’s objective is to assist the Australian Information Commissioner (Information Commissioner) to discharge his responsibilities on the OAIC’s financial and performance responsibilities, risk oversight and management, and system of internal control. The Audit Committee oversees the work of the OAIC’s internal auditors, and ensures the Strategic Internal Audit Workplan provides appropriate coverage of the OAIC’s strategic and operational risks.

The Audit Committee is chaired by the Assistant Commissioner, Dispute Resolution and has two independent members, from the AHRC and the Inspector-General of Intelligence and Security.

The AHRC provides secretariat support to the Audit Committee, and the OAIC’s internal auditors and representatives from the Australian National Audit Office (ANAO) attend meetings of the Audit Committee as observers. The Audit Committee meets quarterly.
Executive Committee

The Executive Committee, comprising the Information Commissioner, Privacy Commissioner, Freedom of Information (FOI) Commissioner (until 31 December 2014) and Assistant Commissioners, meets weekly and oversees all aspects of OAIC business.

The Executive Committee’s standing agenda covers business management and performance, finance, human resources, governance, risk management, external engagement and business planning. Key focus areas this year included:

- monitoring and managing the OAIC’s growing workload
- implementing the reforms to the Privacy Act 1988 (Privacy Act)
- the Australian Government’s Budget decision to disband the OAIC and the subsequent closure of the OAIC’s Canberra office.

External scrutiny

During the year, there were no judicial decisions or decisions of administrative tribunals that had a significant impact on the operations of the OAIC.

There were no reports on the operations of the OAIC by the Auditor-General, a parliamentary committee or the Commonwealth Ombudsman.

Strategic and business planning

The Strategic Plan 2011–14 sets out the OAIC’s vision, purpose and values. The strategic goals contained in the plan are underpinned by annual business plans for each branch. The branch plans are reviewed each quarter by the Executive Committee.

Ethical Standards

The strategic plan includes the OAIC’s values, developed with the input of staff and leaders, which complement the Australian Public Service (APS) Values and Code of Conduct.

Risk

The OAIC develops an internal audit plan each year based on risks identified in its risk register, and on risks shared by the OAIC and the AHRC. Audit reports and the risk register are regularly reviewed by the Executive Committee.

The Executive Committee is supported in its management of risks by its internal auditors and the Audit Committee.

Statutory Office Holder and SES Remuneration

The terms and conditions of the OAIC’s statutory office holders — the Information Commissioner, Privacy Commissioner and FOI Commissioner — are determined by the Remuneration Tribunal.
Remuneration for the OAIC’s Senior Executive Service (SES) officers is governed by determinations made by the Information Commissioner under s 24(1) of the Public Service Act 1999.

People management

During 2014–15, the OAIC’s people management focus was on managing and supporting staff, following the Australian Government’s decision to disband the OAIC by 1 January 2015, and the resulting closure of the OAIC’s Canberra site.

Performance management framework

In 2014–15, the OAIC’s performance management framework, Talking about performance (TAP), entered its second year of operation.

Two further elements of the TAP framework were implemented during 2014–15:

- the manager-once-removed process
- a comprehensive suite of material to support the managing underperformance process, including guidelines and a performance improvement form template to create a performance improvement plan.

Staff were consulted on each element of the framework. The material was drafted to give staff and supervisors clear direction when there are concerns regarding performance. The guidelines offer a constructive, structured and supportive approach to address and correct performance and to enhance productivity, accountability and leadership.

The TAP framework continues to receive positive feedback from staff. A review of the framework will be scheduled for the 2015–16 financial year to ensure the TAP framework is in line with APS best practice, in keeping with the Australian Public Service Commissioner’s (Performance Management) Direction 2014.

Learning and development

In 2014–15, the OAIC continued to implement its learning and development plan.

The OAIC’s first mentoring program was completed during 2014–15, with the six members of the OAIC’s Executive each mentoring up to two staff members. OAIC staff self-nominated for the program with the support of their Directors. In its first year of operation, 11 staff participated in the program. A survey of both mentors and mentees was undertaken in June 2015 to ascertain the benefits of the program. The results showed strong support for the program, with both mentors and mentees indicating that it increased the overall communication between the Executive and staff, and provided them with a unique insight into the challenges they each face. The report on the findings is due to be submitted to the Executive in 2015–16.
To monitor the success of its learning and development plan, the OAIC continues to maintain a register of all internal and external training opportunities undertaken by OAIC staff. This training was supplemented by other development activities.

**Staff support**

The OAIC put in place arrangements to support staff following the Australian Government’s Budget decision to close the OAIC and the resulting closure of the OAIC’s Canberra site. Outplacement services were offered to assist Canberra staff to develop their job search and interview skills, prepare effective resumes and deal with the challenges of facing redundancy.

In response to concerns raised in a ‘Pulse check’ survey conducted in June 2014, sessions on dealing with change and resilience were offered to Sydney staff concerned about the uncertainty surrounding the Australian Government’s Budget announcement, and its impact on the OAIC Sydney office.

All OAIC staff, including those on leave or secondment to other agencies, were provided with regular updates about the change process, and opportunities for questions and feedback were available, including through the OAIC’s staff consultation forum.

**Staffing profile**

The OAIC’s average staffing level for 2014–15 was 63.77 staff, with a turnover of approximately 48% for ongoing staff, due to the closure of the OAIC’s Canberra office. Twenty three ongoing staff resigned, retired or transferred to other Australian Government agencies, and a further six ongoing staff accepted voluntary redundancies. Five ongoing staff were engaged, located in the remaining Sydney office.

As at 30 June 2015, the OAIC had a total of 58.38 full-time equivalent (FTE) staff, including ongoing and non-ongoing employees, and one casual staff member. The OAIC’s staffing profile as at 30 June 2015 is summarised in Table 3.1.

As at 30 June 2015, the OAIC had one Statutory Office Holder located in Canberra. Eighteen ongoing staff had part-time or flexible working arrangements in place.

**Workplace diversity**

The OAIC recognises the importance of reflecting the community it serves through diversity in staffing. Currently 21% of staff have a non-English speaking background and 1.5% identify as Indigenous.

The OAIC’s Workplace Diversity Committee promoted and supported events including NAIDOC Week, National Close the Gap Day and Harmony Day.
Table 3.1 Overview of staffing profile as at 30 June 2015

<table>
<thead>
<tr>
<th>Classification</th>
<th>Male</th>
<th>Female</th>
<th>Full time</th>
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</tbody>
</table>

Remuneration

Staff members at the OAIC are employed under s 22 of the Public Service Act 1999. Salary ranges for the OAIC Enterprise Agreement 2011–14 are reflected in Table 3.1.

Performance pay

The OAIC had no performance pay arrangements in place.

Work health and safety

The OAIC and the AHRC share expertise and resources on Work Health and Safety (WHS) issues. The OAIC’s WHS representatives are members of the joint agencies’ WHS Committee. The OAIC conducts regular site inspections as a preventative measure and there have been no incidents reported over the last year.

All new staff are provided with WHS information upon commencement. Ongoing support and assistance on WHS and ergonomic issues is provided to all staff.

During the year the OAIC offered flu vaccinations for interested staff and provided various health and wellbeing information sessions, such as Fitting It All In.

The OAIC provides staff with a Healthy Lifestyle Allowance under the Enterprise Agreement, to promote health and fitness as a means of achieving work-life balance and improving productivity.
The OAIC also provides access to independent, confidential counselling services through its Employee Assistance Program (EAP). To maintain consistency with the Attorney-General’s Department’s Portfolio, the OAIC changed service providers in June 2014. No systemic issues have been identified through either of the EAP service providers.

**Changes to disability reporting in annual reports**

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the Australian Public Service Commission’s *State of the Service Report* and the *APS Statistical Bulletin*. These reports are available at www.apsc.gov.au. From 2010–11, departments and agencies have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by the National Disability Strategy 2010–2020 (the Strategy), which sets out a ten year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high level two-yearly report will track progress against each of the six outcome areas of the Strategy and present a picture of how people with disability are faring. The first of these reports can be found at www.dss.gov.au.

**Purchasing**

The OAIC’s purchasing procedures comply with the Commonwealth Procurement Rules issued by the Department of Finance. They address a wide range of purchasing situations, allowing managers flexibility when making purchasing decisions, provided arrangements comply with the Australian Government’s core procurement principle of value for money.

The OAIC supports small business participation in the Commonwealth Government procurement market. When undertaking its procurement processes, the OAIC prioritises the skills and experience of the relevant entity. The OAIC has found that small businesses are often able to deliver the required services in the most timely manner, and with the required expertise and value for money. Small and Medium Enterprises and Small Enterprise participation statistics are available on the Department of Finance’s website at www.finance.gov.au/procurement/statistics-on-commonwealth-purchasing-contracts/.
Consultants

During 2014–15, no new consultancy contracts were entered into.

The OAIC engages consultants where it lacks specialist expertise or when independent research, review or assessment is required. Consultants are typically engaged to investigate or diagnose a defined issue or problem; carry out defined reviews or evaluations; or provide independent advice, information or creative solutions to assist in OAIC decision making.

Prior to engaging consultants, the OAIC takes into account the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise. The decision to engage a consultant is made in accordance with the Public Governance, Performance and Accountability Act 2013 and related regulations, including the Commonwealth Procurement Rules.

Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website www.tenders.gov.au.

ANAO access clauses

No contracts were let during the year for amounts of $100,000 or more with provisions to exempt ANAO access to the supplier’s premises.

Exempt contracts

The OAIC did not have any exempt contracts.

Advertising and market research

The OAIC did not have any advertising or market research contracts during the 2014–15 financial year.

Grant programs

The OAIC does not have a grants program.

Memorandums of understanding

The OAIC receives funding for specific services under a range of MOUs. Details of financial MOUs are at Appendix 4.
Ecologically sustainable development and environment performance

Section 516A of the *Environment Protection and Biodiversity Conservation Act 1999* requires the OAIC to report on how its activities accord with the principles of ecologically sustainable development (ESD).

The role and activities of the OAIC do not directly link with the principles of ESD or impact on the environment other than through its business operations in the consumption of resources required to sustain its operations.

The OAIC uses energy saving methods in its operation and endeavours to make the best use of resources.
Chapter Four

Communication and engagement

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Chapter Four
Communication and engagement

Overview

The Office of the Australian Information Commissioner (OAIC) had an active year promoting privacy and freedom of information (FOI) issues to Australian Government agencies, industry, consumer groups and the general public.

Following on from reforms to the Privacy Act 1988 (Privacy Act) that commenced on 12 March 2014, the OAIC focused on developing guidance and working with organisations and agencies to assist with implementation and compliance. The OAIC produced a range of tools and resources to ensure business, government agencies and the wider community had the information they needed to understand and implement the changes.

The OAIC continued to collaborate internationally, providing secretariat support to the Asia Pacific Privacy Authorities (APPA) Forum. The OAIC attended the 42nd and 43rd APPA Forums in Canada and Hong Kong respectively.

The OAIC Commissioners presented at a number of domestic and international forums and conferences, including the Australian Information Security Association Conference, Global Integrity Summit, International Conference on Big Data from a Privacy Perspective, and the National Administrative Law Conference, among others.

The OAIC held another successful national Privacy Awareness Week campaign that included training workshops for business and government agencies.

The OAIC continued to consolidate and build on its use of social media platforms to engage with stakeholders.
Privacy Awareness Week 2015

Privacy Awareness Week (PAW) is an initiative of the APPA Forum and is the primary annual privacy awareness campaign of the Asia Pacific region. This year, PAW was held from 3 to 9 May 2015.

The OAIC’s 2015 PAW campaign theme was Privacy everyday. This theme was selected to demonstrate the integrated nature of technology. The theme emphasised the need for organisations and agencies to embed privacy practices into their business-as-usual processes, and for individuals and the community to think about how to protect privacy in their everyday lives.

The campaign was launched by the Australian Information Commissioner (Information Commissioner) at a business breakfast in Sydney attended by 200 privacy professionals. The Privacy Commissioner launched the OAIC’s new publication — Privacy management framework: enabling compliance and encouraging good practice. This was followed by an expert panel discussion on the intersection of privacy regulation and technology. The discussion was facilitated by futurist and author Mark Pesce, and panellists included representatives from Facebook, CSIRO, ZDNet, and the University of Queensland.

The OAIC hosted two fully subscribed privacy impact assessment (PIA) workshops in Sydney and Canberra, facilitated by Salinger Privacy. The OAIC also delivered a webinar for new privacy contact officers on the Australian Privacy Principles (APPs). Resources from these events are available on the OAIC website.

The OAIC Executive and other senior staff spoke at a variety of events throughout the week.

PAW partners

The OAIC’s campaign was supported by 237 partners from across a variety of sectors. There was a 20% increase in government partners, from 35 in 2014 to 43 in 2015, with an increased number of ACT public sector agency partners. Partners promoted PAW via their websites, stakeholder networks, internal communications, events, media and social media.

The OAIC concentrated its efforts on recognising and engaging with partners in the lead-up to the campaign, and supporting their activities by providing resources and updates.

Resources

In addition to the publication of the Privacy management framework, a number of other resources were released during the campaign including: Privacy business resource 8: Sending personal information overseas and Privacy business resource 9: Ten tips to protect your customers’ personal information. For individuals, the OAIC released Privacy fact sheet 8: Ten tips to protect your privacy, and a video in Auslan on how to make a privacy complaint. Privacy business resource 9 and Privacy fact sheet 8 were accompanied by posters.
Key media and social media results

The OAIC received a significant amount of media coverage and social media interest in the week prior to and during PAW. Key results included:

- 853 mentions of the OAIC and 398 mentions of PAW in the Australian online press between 27 April and 9 May 2015.

- An additional 19,939 page views to the OAIC website during PAW, and 14,291 unique page views in the PAW section of the website.

- 1438 mentions of #2015PAW, #PrivacyEveryday, Privacy Awareness Week or the OAIC on social media between 27 April and 9 May 2015.

- The OAIC Facebook page received 433 likes and 203 shares between 3 and 9 May 2015, with a total reach of 68,055 (compared to approximately 60,000 for PAW 2014).
Consumer education

During 2014–15, the OAIC prioritised improving consumer knowledge of privacy rights. As part of this consumer education campaign, the OAIC developed a range of plain English, accessible and multi-platform appropriate publications.

In August 2014, the OAIC launched a series of five animated videos dealing with common privacy questions. The videos were widely promoted by the Australian Human Rights Commission, CHOICE, state and territory rental tenancy associations, state and territory community justice/mediation centres, and the National Indigenous Radio Service. This series of videos has been viewed over 7000 times.

During Privacy Awareness Week 2015, the OAIC launched Privacy fact sheet 8: Ten tips to protect your privacy, a new fact sheet with practical tips to help individuals protect their privacy. This fact sheet was accompanied by a poster and a series of social media images to remind people to be privacy-aware in everyday situations. These resources are, collectively, the OAIC’s most effective social media output to date, reaching approximately 40,000 people via the OAIC’s Facebook page.

To further our commitment to providing information to all individuals about how to exercise their rights, the OAIC has also released a video in Auslan about making privacy complaints. This video was developed in conjunction with the Deaf Society of NSW and distributed through its channels, as well as through Deaf Australia and the Deafness Forum. This video has also reached approximately 20,000 people via the OAIC’s Facebook page.

Ten tips to protect your privacy poster
International and regional engagement

International liaison

The OAIC continued to support and work with privacy and FOI authorities across the globe. The OAIC regularly responded to requests for advice and other assistance from international colleagues. This included hosting international delegations.

The OAIC met with representatives from the Office of the Privacy Commissioner, New Zealand, in November 2014, to share information about functions and branches and facilitate a better understanding of the work of different privacy regulators.

The Information Commissioner met with a Congresswoman from the Philippines in April 2015 to discuss Australian FOI legislation and its implementation, as well as discussing resources and guidance developed by the OAIC to support public sector agencies in implementing transparent information policy practices.

The OAIC also cooperated with international privacy enforcement authorities in its regulatory work, sharing information with global data protection authorities through the Global Privacy Enforcement Network (GPEN), under memorandums of understanding, and under the Asia-Pacific Economic Cooperation’s (APEC) Cross-border Privacy Enforcement Arrangement (CPEA). For example, in order to maximise investigation efficiency and avoid regulatory duplication, the Privacy Commissioner liaised with the Office of the Data Protection Commissioner of Ireland under a memorandum of understanding, and the Office of the Privacy Commissioner, Canada under the APEC CPEA, during an own motion investigation into Adobe Systems Software Ireland Pty Ltd.

Asia Pacific Privacy Authorities

The OAIC continued to be actively involved in the APPA Forum by providing secretariat services and maintaining the Forum’s two websites, available at www.appaforum.org and www.privacyawarenessweek.org. As at 30 June 2015, there were 17 APPA members.

Two APPA Forum meetings took place during the reporting period. In December 2014, members met in Vancouver, Canada for the 42nd APPA Forum. At the meeting, members discussed a range of topics including global privacy developments, wearable technology, cross-border trade and privacy regulation, and the Right to be Forgotten. The meeting was hosted by the Office of the Privacy Commissioner, Canada and the Office of the Information and Privacy Commissioner, British Columbia.

The 43rd APPA Forum was hosted by the Office of the Privacy Commissioner for Personal Data, Hong Kong and was held in June 2015. Topics discussed included the privacy implications of big data, online behavioural advertising, accountability as the basis for privacy compliance in technology innovations, and managing health and research data.

In addition to attending the 43rd Forum meeting the Privacy Commissioner addressed a number of conferences in Hong Kong, held as side events to the APPA Forum meeting.
These included the International Conference on Big Data from a Privacy Perspective (organised by the Office of the Privacy Commissioner for Personal Data, Hong Kong), the 7th Annual Sedona Conference International Programme on Cross-Border Discovery and Data Protection Laws, and the Internet Society of Hong Kong’s Privacy and Innovation Conference.

**Privacy Authorities Australia**

Privacy Authorities Australia (PAA) is a group of Australian privacy authorities that meets on an adhoc basis to promote best practice and consistency of privacy policies and laws. PAA membership includes the OAIC and privacy representatives from all states and territories. PAA met on 18 February 2015 to discuss topics including national consistency in health privacy regulation, interoperability, the development of health privacy guidance, and privacy issues relating to new technologies that are relevant to state, territory and Commonwealth privacy regulators.

**Global Privacy Enforcement Network**

GPEN builds on the Organisation for Economic Co-operation and Development’s (OECD) *Recommendation on Privacy Law Enforcement Cooperation* (2007). This Recommendation states that member countries should foster the establishment of an informal network of privacy enforcement authorities and other appropriate stakeholders to discuss the practical aspects of privacy law enforcement cooperation.

The OAIC continued its involvement in GPEN during 2014–15. As at 30 June 2015, GPEN had 56 member authorities.

In May 2015, the OAIC joined enforcement authorities from around the globe to participate in the third GPEN Privacy Sweep. The OAIC examined 38 websites and mobile apps that are targeted at children aged 12 and under, to see how well they protect privacy. This included checking if the website or app collects children’s personal information, and if so, whether protective controls exist to limit that collection. Results of the sweep will be released in late 2015.

More information about GPEN can be found at [www.privacyenforcement.net](http://www.privacyenforcement.net).

**Asia-Pacific Economic Cooperation**

In 2007, APEC economies endorsed the APEC Data Privacy Pathfinder (Pathfinder) to guide implementation of the APEC Privacy Framework.

The CPEA has been developed as part of the Pathfinder initiative, and provides a framework for privacy regulators to cooperate and seek information and advice from each other on cross-border enforcement matters. The CPEA came into force in July 2010 and as of 30 June 2015, 25 privacy regulatory bodies were signatories to it, representing nine economies. The OAIC is a CPEA member, and cooperated with the Office of the Privacy Commissioner, Canada under the CPEA in its own motion investigation into Adobe Systems Software Ireland Pty Ltd, conducted over the 2014–15 financial year.
The Pathfinder also involves the development and implementation of a Cross-border Privacy Rules (CBPR) system. The system will provide guidance on how the CBPR of businesses can meet the standards of the APEC Privacy Framework and be recognised across APEC economies. More information about CPEA and CBPR can be found at www.apec.org.

Administrative Review Council

The Information Commissioner is an ex officio member of the Administrative Review Council (ARC) under the Administrative Appeals Tribunal Act 1975 (s 49(1)). The ARC did not hold any meetings during the reporting period. In the May 2015 Budget, the Australian Government announced its intention to abolish the ARC.

Media

In 2014–15, the OAIC published 15 media releases and responded to 209 media enquiries. Media interest was high around the anniversary of the privacy law reforms, with the majority of media enquiries concerning reflections on the first year of new laws, and high-profile data breaches. There was also significant media interest in a number of OAIC determinations and own motion investigation reports, data retention legislation, and the proposed abolition of the OAIC.

The OAIC Commissioners participated in a number of interviews during the year across a range of media platforms, including television, radio, print and online publications. This included the Privacy Commissioner’s interview on the ABC’s Lateline during PAW.

Speeches

The OAIC Executive and other senior staff delivered 36 speeches and presentations on a range of information-related issues. These speeches were delivered to a wide variety of audiences from the public and private sectors as well as community groups, industry associations and universities. Speeches covered privacy law, open government, FOI reform, cultural change, information law, policy reform, and the new Information Privacy Act 2014 (ACT).

A list of all speeches delivered by the OAIC is in Appendix 5.

Publications

The OAIC produced a range of new or updated publications during 2014–15, including:

- Handling privacy complaints
- Privacy management framework: enabling compliance and encouraging good practice
- Guide to securing personal information: ‘Reasonable steps’ to protect personal information
• Privacy agency resource 3: Information Privacy Act 2014 — Checklist for ACT agencies
• Privacy agency resource 4: Sending personal information overseas
• Privacy fact sheet 8: Ten tips to protect your privacy
• Privacy fact sheet 42: Australian Capital Territory Privacy Principles
• Privacy fact sheet 43: Making a privacy complaint under the Territory Privacy Principles
• Privacy business resource 7: Credit reporting — information held beyond its retention period
• Privacy business resource 8: Sending personal information overseas
• Privacy business resource 9: Ten tips to protect your customers’ personal information

All OAIC publications can be accessed on the OAIC website.

Other media resources

In 2014–15, the OAIC produced a number of rich media resources to facilitate awareness of individuals’ rights and agencies’ and organisations’ responsibilities, and to assist with training.

Videos
• How to make a privacy complaint (Auslan video)
• What is privacy? (animated video)
• How do I make a privacy complaint? (animated video)
• How do I access my personal information? (animated video)
• What can I do about my neighbour’s security camera? (animated video)
• Is my real estate agent allowed to take photos in my house? (animated video)
• Privacy Awareness Week message from the Privacy Commissioner

Posters
• 10 tips to protect your privacy poster and social media tiles
• Protect your customers’ personal information poster

Training Resources
• PIA workshop slides
• APP training slides
Website

In 2014–15, the OAIC’s website received 1,033,506 unique visitors, 1,390,423 website visits and 3,749,290 viewed web pages.

The OAIC commenced work in October 2014 to improve the usability and accessibility of its website. It is anticipated that the upgraded website will be launched in the 2015–16 financial year.

Social media

The OAIC uses social media, eNews alerts and other web 2.0 platforms to promote and inform stakeholders about its work. In 2014–15, the OAIC increased the use of social media channels (Facebook, Twitter, YouTube) and integrated them into all communications.

Twitter

The OAIC continued to use Twitter to promote messaging during 2014–15. The OAIC tweeted 432 times and was re-tweeted 657 times. At 30 June 2015, the OAIC’s tweets led to 1205 click through links to OAIC website and resources.

YouTube

The OAIC produced seven videos over 2014–15 that were hosted on YouTube. The OAIC’s YouTube channel received 11,561 views in total during the year.

Facebook

The OAIC used Facebook to support a number of education campaigns during the year, particularly during PAW 2015. In 2014–15, the OAIC made 119 posts to its Facebook page, with a total reach of 210,640. The OAIC page received 2800 page visits and 1037 page ‘likes’, bringing the total to 1579 since the page was created in 2011. This is a 238% increase in page likes compared with the previous year.

eNews alerts

The OAIC communicates regularly with stakeholders through subscription based eNews alerts. In 2014–15, the OAIC’s general alert, OAICnet, had 5296 subscribers. The OAIC also produces an alert for the Information Contact Officer Network (ICON). Twenty-nine OAICnet and OAICicon alerts were distributed in total during the reporting period. The OAIC’s eNews alerts are published on the OAIC’s website.
External networks

Information Contact Officer Network
The OAIC did not hold any ICON meetings in 2014–15, as a result of the Australian Government’s Budget decision to disband the OAIC from 31 December 2014. The OAIC is considering future plans for the network.

Committees
The OAIC administers two statutory committees, the Information Advisory Committee (IAC) and the Privacy Advisory Committee (PAC). Following the Australian Government’s Budget decision to disband the OAIC, the IAC and PAC meetings that were scheduled to be held during 2014–15 were cancelled by the OAIC. A list of PAC members can be found in Appendix 6. The IAC members’ terms have now expired.
Part B
Promote and secure the protection of personal information
Chapter Five

Privacy advice and law

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Chapter Five
Privacy advice and law

Overview

The Office of the Australian Information Commissioner (OAIC) provides strategic policy advice on the application of the Privacy Act 1988 (Privacy Act) to Australian Government agencies, the Norfolk Island Administration and private sector organisations.

The OAIC also provides advice to Australian Capital Territory (ACT) public sector agencies about the application of the Information Privacy Act 2014 (ACT) (Information Privacy Act), which commenced on 1 September 2014. Prior to this date, ACT public sector agencies were subject to the Privacy Act.

The 2014–15 financial year was the first full year of operation of the privacy law reforms made by the Privacy Amendment (Enhancing Privacy Protection) Act 2012. In 2013–14, the OAIC’s advice and guidance focused on preparing organisations and agencies for the commencement of the privacy reforms. Throughout 2014–15, the OAIC worked to promote privacy as a tool to enhance customer trust and confidence, and emphasised the need for organisations and agencies to build privacy into their business-as-usual processes. The OAIC developed a range of guidance documents to assist entities, including the Privacy management framework, a tool to help organisations and agencies ensure compliance with Australian Privacy Principle 1.2 and embed a culture of privacy into their everyday processes, and policy documents that explain how the OAIC exercises its expanded regulatory powers.

The 2014–15 year was a busy year for privacy advice. The OAIC published 32 pieces of guidance material, conducted seven public consultations, provided 197 pieces of external policy advice, made 36 submissions on legislative or other formal policy development processes and made six legislative instruments. Examples of this output are described below.

The OAIC continued to conduct work in the eHealth area as the independent regulator of privacy aspects of the Personally Controlled Electronic Health Records (PCEHR) system and the Healthcare Identifiers (HI) service.

Privacy law reform

On 12 March 2014, significant amendments to the Privacy Act came into force. These amendments included the replacement of the Information Privacy Principles (IPPs) and the National Privacy Principles (NPPs) with the Australian Privacy Principles (APPs), the amendment of the Part IIIA credit reporting provisions, and new regulatory powers for the OAIC.
The OAIC has produced a comprehensive range of guidelines and legislative instruments to assist agencies, organisations and the public to understand their privacy obligations and rights. Additionally, the OAIC responded to specific privacy enquiries from Australian Government agencies, private sector bodies, not-for-profits and individuals.

Enhanced powers

The privacy reforms that commenced on 12 March 2014 gave the Australian Information Commissioner (Information Commissioner) new enforcement powers. During 2014–15, the OAIC published two key documents that explain the OAIC’s range of privacy regulatory powers and its approach to using these powers: the Privacy regulatory action policy and the Guide to privacy regulatory action.

These documents explain the circumstances in which the OAIC will use its regulatory powers and the manner in which it will exercise them.

Privacy regulatory action policy

The Privacy regulatory action policy explains the OAIC’s approach to using its privacy regulatory powers and communicating information publicly. It sets out information including:

- the OAIC’s goal of, and guiding principles for, taking privacy regulatory action
- the OAIC’s approach to regulatory action
- how the OAIC decides whether to take regulatory action, in a particular situation
- when privacy regulatory actions may be publicly communicated.

The policy explains that when taking regulatory action the OAIC is guided by the principles of independence, accountability, proportionality, consistency, timeliness and transparency.

The draft policy was released for a period of public exposure in March 2014. The OAIC received comments from various stakeholders, including peak industry bodies. The Privacy Commissioner launched the policy on 17 November 2014.

Guide to privacy regulatory action

The Guide to privacy regulatory action sets out a detailed explanation of how the OAIC will exercise its privacy regulatory powers and the procedural steps the OAIC will take in using these powers. This guide expands on the principles set out in the Privacy regulatory action policy. It consists of eight chapters, which each explain one of the OAIC’s key privacy regulatory functions, for example, privacy complaints handling processes, data breach incidents and Commissioner initiated investigations, enforceable undertakings, determinations, and privacy assessments.

The OAIC released a draft of the Guide to privacy regulatory action for public exposure in late 2014, and received comments from a wide range of stakeholders. The OAIC published the final version of this guide on 30 June 2015.
Privacy management framework

To mark the start of Privacy Awareness Week (PAW) 2015, the OAIC launched a new Privacy management framework (Framework). The Framework includes four steps that organisations and agencies are expected to take to meet their ongoing obligations under APP 1.2, which requires organisations and agencies to take reasonable steps to implement practices, procedures and systems to ensure compliance with the APPs. The Framework encourages entities to establish a privacy management plan that will help them implement the four steps outlined in the Framework and meet their goals and objectives for managing privacy.

The Framework emphasises that good privacy management stems from good privacy governance. It encourages entities to ensure that their leadership and governance arrangements create a culture of privacy that values personal information. The Framework also emphasises that good privacy management requires the development and implementation of robust and effective privacy practices, procedures and systems.

The Framework encourages entities to go beyond ‘tick-box’ compliance, and commit to good privacy practices. To do this, it suggests a number of actions that entities should commit to, depending on their particular circumstances, including their size, resources and business model.

Updates to Australian Privacy Principles guidelines

The APP guidelines were released in February 2014. The APP guidelines are the primary guidance to assist organisations and agencies interpret and comply with the APPs.

In April 2015, the OAIC issued updates to the APP guidelines. These updates were made following feedback from stakeholders received during the first year of the privacy reforms.

Changes were made to four chapters of the APP guidelines. The changes clarified some aspects of the guidance, and responded to issues such as the introduction of separate privacy legislation in the ACT.

External dispute resolution schemes

External dispute resolution (EDR) schemes receive complaints about EDR member organisations from individuals, and provide independent dispute resolution services to resolve those complaints. The Privacy Act recognises the benefit of individuals bringing their complaints to an EDR scheme that has extensive experience in a particular industry before it is brought to the OAIC, if necessary.

The Information Commissioner can recognise EDR schemes for the purposes of the Privacy Act. Under the Privacy Act, credit providers must be a member of a recognised EDR scheme to be able to disclose information to credit reporting bodies. In order to be recognised, EDR schemes must demonstrate their accessibility, independence, fairness,
accountability, efficiency and effectiveness. During the reporting period the Privacy Commissioner recognised one EDR scheme, bringing the total number of recognised EDR schemes to eight. The Privacy Commissioner also commenced the process of recognising a ninth scheme.

Additional privacy law resources

The OAIC updated a number of its privacy resources over the year, many of which were released during PAW 2015. These included Privacy fact sheet 8: Ten tips to protect your privacy and Privacy business resource 9: Ten tips to protect your customers’ personal information. More information about these resources can be found in Chapter Four: Communication and engagement.

Guide to securing personal information: ‘Reasonable steps’ to protect personal information

In January 2015, the OAIC released the Guide to securing personal information: ‘Reasonable steps’ to protect personal information. This publication is based on the former Guide to information security. The Guide to securing personal information reflects the amendments to the Privacy Act and incorporates the OAIC’s increased experience regarding personal information security matters since the first version of the guide was released in April 2013.

The Guide to securing personal information is intended for use by organisations and agencies covered by the Privacy Act. It covers the ‘reasonable steps’ that they have to take under the Privacy Act to protect the personal information they hold from misuse, interference and loss, and from unauthorised access, modification or disclosure. The Guide to securing personal information includes strategies that organisations and agencies should consider to secure the personal information they hold.

Data breach notification guide: A guide to handling personal information security breaches

The OAIC updated this resource in August 2014 to reflect the requirements of the amended Privacy Act. The Data breach notification guide: A guide to handling personal information security breaches provides general guidance for organisations and agencies responding to a data breach involving personal information.

Sending personal information overseas

In May 2015, the OAIC released new business and agency resources on sending personal information overseas. These resources explore some key privacy concepts and issues to assist organisations and agencies to understand and comply with the APPs when sending personal information overseas.
eHealth

The 2014–15 financial year was the third year of operation of the PCEHR system, established under the *Personally Controlled Electronic Health Records Act 2012* (PCEHR Act). This year was also the fifth year of the HI service, an important foundation for the PCEHR system and eHealth generally. The HI service is established under the *Healthcare Identifiers Act 2010* (HI Act).

The handling of individuals’ personal information is at the core of both the PCEHR system and the HI service. In recognition of the special sensitivity of health information, both the PCEHR and HI Acts contain provisions protecting and restricting the collection, use and disclosure of personal information. The OAIC administers those provisions as the independent regulator of the privacy aspects of the PCEHR system and HI service.

The OAIC’s eHealth activities were carried out under a memorandum of understanding (MOU) with the Department of Health. In accordance with the MOU, the OAIC carried out a full program of eHealth related work, including:

- commencing three assessments relating to the PCEHR system and HI service, and completing four assessments that were commenced in the previous reporting period
- responding to eight mandatory data breach notifications in relation to the PCEHR system (including seven notifications received in 2014–15 and continuing work on one notification received in the previous reporting period)
- reviewing and developing guidance materials for a range of audiences
- providing advice to a range of stakeholders on privacy compliance obligations in relation to the PCEHR system
- monitoring developments in eHealth and the PCEHR system.

In addition, the OAIC provided advice to the Department of Health on privacy issues raised by proposed changes to the PCEHR Act and HI Act, and the Australian Government’s decision to trial the use of opt-out participation arrangements ahead of a possible move to a national opt-out eHealth record system. This included preparing a submission in response to the Department of Health’s *Electronic Health Records and Healthcare Identifiers: Legislation Discussion Paper*. A separate annual report on the OAIC’s eHealth activities is available on the OAIC’s website.

More information about the OAIC’s assessments and responses to mandatory data breach notifications in relation to the PCEHR system can be found in Chapter Six: Privacy compliance. More information on the MOU with the Department of Health can be found in Appendix 4.
Advice and submissions to Australian Government agencies and parliamentary committees

The OAIC provided privacy advice and submissions to Australian Government agencies and parliamentary committees, including on the management of personal information through legislation, and on specific policy proposals. A selection of the privacy advices and submissions provided in 2014–15 appear below.

Data retention

The OAIC made a written submission to the Joint Parliamentary Committee on Intelligence and Security (Joint Committee) in relation to its inquiry into the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 (Data Retention Bill). The Privacy Commissioner also appeared before the Joint Committee to give evidence at public hearings held on 29 January 2015. The Data Retention Bill, which was subsequently passed on 26 March 2015, will introduce a mandatory requirement for Australian telecommunications service providers to collect and retain specified telecommunications data (commonly known as ‘metadata’) for a minimum period of two years when it commences on 13 October 2015. The OAIC submission emphasised that this scheme could have significant impacts on individual privacy. The OAIC suggested that the Joint Committee consider the necessity and proportionality of the measures proposed in the Data Retention Bill, to ensure that the scheme struck an appropriate balance between the privacy interests of individuals and the needs of law enforcement and security agencies in carrying out their functions and activities.

The Australian Government supported all of the Joint Committee’s final recommendations on the reforms, some of which reflected recommendations or suggestions made by the OAIC. In particular, the Australian Government agreed to amend the Data Retention Bill to require that all service providers covered by the data retention scheme comply with the Privacy Act, and made a commitment to introduce a mandatory data breach notification scheme by the end of 2015. The OAIC continues to engage with the Australian Government in relation to implementation of the reforms.

Foreign Fighters Act 2014

The OAIC also made a written submission to the Joint Committee’s inquiry into the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014, which was subsequently passed by Parliament on 30 October 2014. In its Advisory Report on this Bill, the Joint Committee recommended that the Privacy Commissioner undertake an assessment of the data collected and stored by the Department of Immigration and Border Protection (DIBP) and Australian Customs and Border Protection Service under that legislation, with a report to be provided to the Attorney-General by 30 June 2015.

The OAIC has been liaising with DIBP to give effect to this recommendation. As the collection of personal information under the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014 (Foreign Fighters Act) has not yet fully commenced, the OAIC will conduct these privacy assessments in the 2015–16 financial year.
The OAIC has also been working with DIBP as it conducts a series of privacy impact assessments (PIAs) on the changes that are currently being implemented under schedules five, six and seven of the Foreign Fighters Act. In June 2015, the OAIC provided feedback on the final version of the schedule five PIA. The OAIC has also received a draft version of the PIA on schedule seven of the Foreign Fighters Act.

Consistent with the Joint Committee’s recommendation, the Privacy Commissioner wrote to the Attorney-General to inform him of this work and the expected timeframe for completing the privacy assessments.

Migration Amendment (Enhancing Biometrics Integrity) Bill 2015

The OAIC made a written submission to the Senate Legal and Constitutional Affairs Committee (LCA Committee) in relation to its inquiry into the Migration Amendment (Strengthening Biometrics Integrity) Bill 2015 (Biometrics Bill). The Biometrics Bill seeks to consolidate DIBP’s existing powers to collect biometric information under the Migration Act 1958 (Migration Act) into a single broad discretionary power. The OAIC’s submission noted that the Biometrics Bill could have significant impacts on individual privacy, particularly for non-citizens. To ensure that the privacy impact of the Biometrics Bill is minimised, the OAIC suggested the LCA Committee consider whether the new power to collect biometric information could be drafted more narrowly, while still enabling DIBP to carry out its functions and activities under the Migration Act.

The LCA Committee recommended that the PIA prepared by DIBP in relation to the Biometrics Bill be made publicly available, a recommendation supported by the OAIC.

Options for improving the unclaimed bank account and life insurance money provisions

The OAIC made a submission to the Treasury in response to its discussion paper on options for improving legislative provisions concerning unclaimed bank account and life insurance money. Among other things, the OAIC suggested that the Treasury consider whether it is appropriate to continue to make publicly available all of the personal information required to be collected by the Australian Securities and Investments Commission for the purpose of reuniting individuals with their unclaimed money. The Treasury addressed this issue in the exposure draft of the legislation.

My Aged Care

The Department of Social Services (DSS) sought input from the OAIC in relation to the My Aged Care Gateway (Gateway), which is a key initiative of the reforms to the aged care system that DSS is leading. The purpose of the Gateway is to provide a central coordination point for the delivery of Commonwealth funded aged care services. The OAIC reviewed information provided by DSS and met with Departmental officers to discuss the reforms, as well as general privacy issues. The OAIC also provided DSS with a number of best practice privacy suggestions to address privacy issues that may arise in relation to the Gateway.
Section 95 guidelines and national statement on ethical conduct in human research

Under the Privacy Act, the National Health and Medical Research Council (NHMRC) may, with the approval of the Information Commissioner, issue guidelines that relate to the protection of privacy by agencies in the conduct of medical research (s 95). The OAIC worked with the NHMRC to develop amendments to the existing guidelines, and the Information Commissioner approved the revised guidelines.

In addition, the OAIC provided advice to the NHMRC on sections of its National Statement on Ethical Conduct in Human Research. In particular, the advice focused on appropriate consent models when personal information is handled for the purposes of human research.

Advice to EDR schemes

During the reporting period, the OAIC liaised with recognised EDR schemes in response to specific requests for advice on privacy issues impacting the schemes. The OAIC also developed policies for EDR schemes to assist them to comply with the Guidelines for recognising EDR schemes. In consultation with the recognised EDR schemes the OAIC developed a policy for schemes to report on serious or repeated interferences with privacy, or systemic privacy issues.

Advice on Department of Human Services privacy impact assessment

The OAIC and the Department of Human Services (DHS) entered into a service MOU to cover the 2014–15 financial year. Under this MOU, the OAIC provided dedicated privacy advice and assistance to DHS on the interpretation and management of personal information privacy obligations relating to the administration and delivery of its payments and services. This included providing advice on DHS’s ‘Tell us once’ phase one PIA.

More information about this MOU can be found at Appendix 4.

Australian Bureau of Statistics surveys

The Australian Bureau of Statistics sought comment from the OAIC on several of its surveys, including the 2016 Census of Population and Housing, the 2015–16 Household Income and Expenditure Survey and the 2015 Survey of Disability, Ageing and Carers. The OAIC reviewed the material and provided a number of comments and best practice privacy suggestions in relation to the collection of personal information from survey participants.

Advice to ACT public sector agencies

The OAIC provides advice to ACT public sector agencies on privacy issues under an MOU. The MOU also includes a commitment by the OAIC to conduct one assessment of an ACT public sector agency per financial year. More information about the OAIC’s assessment program can be found in Chapter Six: Privacy compliance. More information about this MOU can be found at Appendix 4. A separate annual report on the OAIC’s activities under this MOU is available on the OAIC’s website.
ACT privacy law reform

A significant focus for the OAIC during 2014–15 was to provide advice to enable ACT public sector agencies to understand their obligations under the Information Privacy Act, which commenced on 1 September 2014.

The Information Privacy Act includes a set of Territory Privacy Principles (TPPs), which cover the collection, use, storage and disclosure of personal information, and an individual’s right to access and correct that information. The TPPs are similar to the APPs.

The OAIC developed a range of privacy resources to assist the general public and ACT public sector agencies to understand their privacy rights and responsibilities. These included:

- Privacy fact sheet 42: Australian Capital Territory Privacy Principles
- Privacy fact sheet 43: Making a privacy complaint under the Territory Privacy Principles
- Privacy agency resource 3: Information Privacy Act 2014 — Checklist for ACT agencies
- TPP quick reference tool.

Guidance about TPP privacy policies

Every ACT public sector agency that is bound by the Information Privacy Act is required to have a clearly expressed and up-to-date TPP privacy policy that describes how it manages personal information.

Advice was sought by a number of ACT public sector agencies on their updated TPP privacy policies. The OAIC reviewed the privacy policies and provided comments and best practice privacy suggestions, taking into account the requirements of TPP 1.

Advice to the private sector

The OAIC works collaboratively with business and not-for-profits to promote understanding and acceptance of the new privacy laws and the APPs. During 2014–15, the OAIC provided advice to private sector organisations on a variety of matters.

Sending personal information overseas

A number of law firms, industry groups and businesses requested advice from the OAIC regarding obligations under APP 8 and s 16C of the Privacy Act when sending personal information overseas. APP 8 and s 16C create a framework for the cross-border disclosure of personal information. This framework generally requires an entity to ensure that an overseas recipient will handle an individual’s personal information in accordance with the APPs, and makes the entity accountable if the overseas recipient mishandles the information.

In response to these enquiries, the OAIC advised that the APPs do not prevent an entity from sending personal information overseas. However, the OAIC set out a range of matters that entities need to carefully consider to ensure compliance with the APPs.
To further promote understanding and compliance with APP 8 and s 16C of the Privacy Act, the OAIC produced an agency resource and a business resource on sending personal information overseas.

Technology and internet privacy

The OAIC liaises with a wide range of private sector organisations on technology and internet privacy issues. The OAIC maintains relationships with a number of large global technology companies including Facebook, Google, Microsoft and Apple, and Australian telecommunications providers such as Optus, Telstra and Vodafone.

In December 2014, in collaboration with 23 other global privacy enforcement authorities, the OAIC wrote to Apple, Google, Samsung, Microsoft, Nokia, BlackBerry, and Amazon.com, asking them to make links to privacy policies mandatory for mobile apps that collect personal information.

The OAIC also provided guidance to organisations that experienced data breaches. Further information about the OAIC’s data breach work is contained in Chapter Six: Privacy compliance.

Telecommunications industry codes

The Information Commissioner must be consulted during the development or revision of telecommunications industry codes that have an impact on privacy. During 2014–15, the OAIC liaised with Communications Alliance, Australia’s primary telecommunications industry body, as it developed and revised a number of codes.

For example, the OAIC made recommendations to Communications Alliance during the development of the Copyright Notice Scheme Industry Code, to ensure that the bodies established to administer that scheme are covered by the Privacy Act, and are therefore obliged to protect and handle personal information gathered under the scheme in accordance with the APPs.

Electronic transfer of prescription services

The OAIC responded to a request for advice about how the APPs apply to the use and disclosure of health information to send a patient prescription through an ‘electronic transfer of prescriptions’ (eTP) service. The OAIC provided advice about how the exceptions in APP 6 might apply to permit prescription information to be handled in this way, including the exceptions relating to consent and reasonable expectation. The OAIC also provided advice about using an eTP service to upload prescription information to a patient’s PCEHR.

Storing patient details and treatment notes in the cloud

The OAIC responded to a request for advice from the private healthcare sector about the use of cloud-based applications for storing patient details and treatment notes, and the use of offshore back-ups. The advice noted that, while the APPs do not prevent an entity from storing personal information on a local or overseas cloud service, the entity should carefully consider the steps that need to be taken to ensure compliance with the APPs.
The advice outlined the key APPs for consideration, including the APPs dealing with security, use and disclosure, access, correction, cross-border disclosure of personal information, and open and transparent management of personal information.

Sale of pharmacy businesses
The OAIC provided advice on what the APPs require in relation to personal information when a community pharmacy changes ownership. The OAIC’s advice covered the obligations of the old owner when disclosing personal information, and the obligations of the new owner when collecting personal information, including the need to obtain customers’ consent, and to provide customers with adequate notice under APP 5.

Advice on credit reporting laws
The OAIC continued to engage with participants in the Australian consumer credit reporting system regarding their obligations under Part IIIA of the Privacy Act.

Involvement in cross-government forums
The OAIC is a member of several cross-government committees and forums. The OAIC engages with other members and state and territory government agencies to provide advice on the privacy obligations relevant to that committee or forum.

The National Identity Security Coordination Group
The OAIC is a member of the National Identity Security Coordination Group (NISCG), coordinated by the Attorney-General’s Department. The NISCG consists of representatives from the Australian and state and territory government agencies with key roles in identity management. The NISCG was established to coordinate and implement the National Identity Security Strategy. The OAIC provides privacy advice to this group.

National Biometrics Interoperability Framework Steering Committee
The OAIC continued to participate in the National Biometrics Interoperability Framework Steering Committee. The purpose of this Committee is to guide the biometric centres of expertise, to manage and oversee the National Biometric Interoperability Framework (NBIF), and to promote biometric interoperability across the Australian Government. The OAIC provides policy advice on the privacy considerations to be taken into account in the development of the NBIF, and other biometrics projects.

AUSTRAC Privacy Consultative Committee
The OAIC is a member of the AUSTRAC Privacy Consultative Committee, an advisory committee to the AUSTRAC Chief Executive Officer (CEO). The Privacy Consultative Committee comprises revenue, law enforcement, privacy, and civil liberties representatives to promote understanding of issues and develop positions concerning related matters. The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act) requires the AUSTRAC CEO to have regard to privacy, and consult with the OAIC in performing functions under the AML/CTF Act. The Privacy Consultative Committee is one of the means by which the AUSTRAC CEO fulfils these obligations.
Advice to other jurisdictions

The OAIC provides advice to other jurisdictions as part of its activities, both internationally and domestically.

During 2014–15, the OAIC continued to participate actively in a number of international privacy and data protection forums. Participation in these forums enables the OAIC to build collaborative relationships and remain aware of emerging international privacy protection issues.

Comments on draft health privacy guidance released by the NSW Privacy Commissioner

The OAIC made a submission to the NSW Information and Privacy Commission’s (IPC) public consultation on its draft health privacy guidance. The OAIC also met with officers from the NSW IPC to discuss the draft guidance in more detail. The OAIC was interested to engage with the NSW IPC on this matter as private sector health service providers in NSW are covered by both Australian and NSW privacy legislation. The OAIC’s comments sought to ensure that private sector providers in NSW were aware of, and complied with, legislation in both jurisdictions.

Bali Process Regional Support Office

The OAIC provided advice to the Regional Support Office of the Bali Process on the Regional Biometric Data Exchange Solution, which aims to facilitate greater information exchange between Bali Process members. The OAIC’s advice related to the application of the APPs against the policy framework, which incorporates a number of cross-jurisdictional privacy considerations. The OAIC also offered suggestions to enhance the proposed privacy protections.

NSW Department of Justice

The OAIC actively engaged with the NSW Department of Justice about the interaction between the Privacy Act and Part 13A of the Crimes (Domestic and Personal Violence) Act 2007 (NSW) (Part 13A). The OAIC provided advice about the application of the Privacy Act and Part 13A to entities sharing personal information, and the circumstances in which an exception to the Privacy Act might apply, including where the collection, use or disclosure of personal information is required or authorised by law, or where one of the permitted general situations in s 16A of the Privacy Act applies.

Legislative instruments

Under the Privacy Act, the Information Commissioner has power to make certain legislative instruments. When making those legislative instruments, the Information Commissioner is required to comply with the requirements of the Legislative Instruments Act 2003. All legislative instruments finalised during 2014–15 are publicly available on the Federal Register of Legislative Instruments.
Codes

The Privacy Act allows the OAIC to register binding APP codes that are in the public interest. APP codes do not replace the relevant provisions of the Privacy Act, but operate in addition to the requirements of the APPs. In 2014–15 the OAIC registered the first APP code since the commencement of the privacy reforms.

Privacy (Market and Social Research) Code 2014

The OAIC registered the Privacy (Market and Social Research) Code 2014 (Market research code) on 28 November 2014. The Market research code sets out how the APPs are to be applied, and complied with, by members of the Association of Market and Social Research Organisations (AMSRO) in relation to the collection, retention, use, disclosure and destruction of personal information in market and social research. The OAIC worked closely with AMSRO during the development of the Market research code.

Public interest determinations

Part VI of the Privacy Act gives the Information Commissioner the power to make a determination that an act or practice that may constitute a breach of an APP or an approved APP code shall be regarded as not breaching the APP or approved code for the purposes of the Privacy Act. The Information Commissioner can make a determination only if satisfied that the public interest in the act or practice occurring substantially outweighs the public interest in the adherence to the APP or registered code. This is known as a public interest determination (PID).

The Information Commissioner may also make a temporary public interest determination (TPID) to operate for up to 12 months, if an urgent determination is required.

International Money Transfers

On 25 February 2015, the Privacy Commissioner issued three PIDs related to International Money Transfers (IMT). These determinations replace the temporary determinations made in 2014, which permit ANZ, the Reserve Bank of Australia and all authorised deposit-taking institutions within the meaning of the Banking Act 1959 to disclose the personal information of a beneficiary of an IMT to an overseas financial institution when processing an IMT, without breaching the APPs. The PIDs will have effect for five years.

Contestability Review TPIDs

On 16 March 2015, the Privacy Commissioner issued a TPID in response to an application from Comcare. A similar TPID was also issued on 25 March 2015, in response to an application from the Department of Veterans’ Affairs.

The TPIDs enabled the agencies to disclose the personal information contained in a limited number of claims files to professional services firm Ernst & Young without breaching their APP obligations. The disclosure of the files was for the purpose of undertaking a review of the Commonwealth’s insurable risk portfolio by Ernst & Young on behalf of the Departments of Finance and Employment. The TPIDs included a number of important privacy protections. In particular, only a limited number of
claims files were permitted to be disclosed to Ernst & Young to meet the objectives of the review. Ernst & Young was also only permitted to view the personal information in the claims files on site and was not permitted to copy the information or otherwise incorporate it into its own records. The TPIDs expired on 22 May 2015.

**Privacy (Tax File Number) Rule 2015**

The OAIC registered the *Privacy (Tax File Number) Rule 2015* (TFN Rule) on 4 March 2015, replacing the previous *Tax File Number Guidelines 2011* (TFN guidelines). The TFN Rule is made under s 17 of the Privacy Act and regulates the collection, storage, use, disclosure, security and disposal of individuals’ Tax File Number information. A breach of the TFN Rule is an interference with privacy under the Privacy Act. The OAIC consulted with DHS as part of the development of the TFN Rule, however, wider public consultation was not considered necessary as the changes to the TFN Rule sought only to clarify existing arrangements in the TFN guidelines.

**Submissions list**

In 2014–15, the OAIC made several submissions to inquiries being undertaken by parliamentary committees and government agencies. The published submissions made by the OAIC during 2014–15 are listed below.

**Finance**

- Consultation on the exposure draft of the Banking Laws Amendment (Unclaimed Money) Bill 2015 — submission to the Treasury
- Financial System Inquiry Final Report — submission to the Treasury
- Consultation on Australian Retail Credit Association Authorisation A91482 — submission to the Australian Competition & Consumer Commission
- Financial System Inquiry Interim Report — submission to the Financial System Inquiry

**Health**

- Electronic health records and healthcare identifiers: Legislation discussion paper — submission to the Department of Health
- Draft determination on Medicines Australia Limited’s application for re-authorisation — submission to the Australian Competition & Consumer Commission
- Pathology and diagnostic imaging in the Personally Controlled Electronic Health Record system — submission to the Department of Health
- Draft Principles for Accessing and Using Publicly Funded Data — submission to the National Health and Medical Research Council
- Draft privacy guidance for NSW health service providers — submission to the NSW Information and Privacy Commission
National security and law enforcement

- Inquiry into the Migration Amendment (Strengthening Biometrics Integrity) Bill 2015 — submission to the Senate Legal and Constitutional Affairs Committee
- Inquiry into the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 — submission to the Parliamentary Joint Committee on Intelligence and Security
- Inquiry into the Australian Citizenship and Other Legislation Amendment Bill 2014 — submission to the Senate Legal and Constitutional Affairs Committee
- Inquiry into the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014 — submission to the Parliamentary Joint Committee on Intelligence and Security
- Inquiry into the National Security Legislation Amendment Bill 2014 — submission to the Parliamentary Joint Committee on Intelligence and Security
- Inquiry into financial crime — submission to the Parliamentary Joint Committee on Law Enforcement

Telecommunications

- Draft Calling Number Display Guideline — submission to the Communications Alliance
- Review of the Commercial Television Industry Code of Practice — submission to Free TV Australia
- Proposed amendments to the Telecommunications (Service Provider — Identity Checks for Prepaid Mobile Carriage Services) Determination 2013 — submission to the Australian Communications and Media Authority

Copyright

- Draft Copyright Notice Scheme Industry Code — submission to the Communications Alliance
- Online copyright infringement discussion paper — submission to the Attorney-General’s Department

Human rights

- Discussion Paper on Rights and Responsibilities 2014 — submission to the Australian Human Rights Commission
- Discussion Paper 81: Equality, capacity and disability in Commonwealth laws — submission to the Australian Law Reform Commission
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Chapter Six
Privacy compliance

Overview

The Office of the Australian Information Commissioner (OAIC) undertakes a wide range of activities to ensure that privacy is valued and respected in Australia. These include providing a free information service, investigating and resolving individual complaints, conducting assessments, data-matching inspections and Commissioner initiated investigations (CIIs), and receiving and administering a voluntary data breach notification (DBN) scheme and eHealth mandatory DBN scheme. The OAIC also develops legislative instruments and works with agencies and organisations to provide strategic policy advice and guidance (see Chapter Five: Privacy advice and law).

In 2014–15, the OAIC received 2841 privacy complaints, a decrease of 33% from the 4239 complaints received in 2013–14.¹ This is still a significant increase over previous years and may reflect a growing awareness among the community of privacy as an issue of concern, and awareness of the formal right to bring a complaint provided by the Privacy Act 1988 (Cth) (Privacy Act).

The OAIC also saw a significant increase in the number of voluntary DBNs received. In 2014–15, the OAIC received 110 voluntary DBNs, a 64% increase on the number received in 2013–14. The OAIC commenced four CIIs and undertook work on 19 assessments.

Responding to privacy enquiries

Table 6.1 shows the number of privacy enquiries received by the OAIC over the last three years.

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</table>

¹ The significant number of privacy complaints received in 2013–14 appeared to arise from changes in the credit related provisions of the Privacy Act and complaints from people affected by several well publicised data breaches in both the public and private sectors.
The OAIC’s Enquiries line (1300 363 992) provides information about privacy issues and privacy law for the cost of a local call. The OAIC’s Enquiries line also responds to written enquiries and assists enquirers that present to the office in person.

In 2014–15, the Enquiries line answered 14,640 telephone calls, 13,229 of which related to privacy matters. The OAIC also received 2925 written enquiries about privacy related matters.

The OAIC is committed to responding to 90% of written enquiries within 10 working days. This benchmark was not met in 2014–15; the OAIC responded to 73% of privacy related written enquiries within 10 working days. Enquirers were notified of any delay at the time.

Tables 6.2.1–6.2.4 provide a breakdown of issues discussed in the enquiries received during 2014–15. The majority of the privacy related enquiries (73%) were about the Australian Privacy Principles (APPs), which came into force in March 2014.

The most frequently discussed issue in 2014–15 was the use and disclosure of personal information (APP 6), followed by access to personal information (APP 12) and APP exemptions.

**Table 6.2.1 Breakdown of issues discussed: APPs**

<table>
<thead>
<tr>
<th>Issues</th>
<th>Number of calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>APP 1 — Open and transparent management</td>
<td>217</td>
</tr>
<tr>
<td>APP 2 — Anonymity and pseudonymity</td>
<td>16</td>
</tr>
<tr>
<td>APP 3 — Collection</td>
<td>1484</td>
</tr>
<tr>
<td>APP 4 — Collection of unsolicited personal information</td>
<td>21</td>
</tr>
<tr>
<td>APP 5 — Notification of collection</td>
<td>820</td>
</tr>
<tr>
<td>APP 6 — Use or disclosure</td>
<td>2302</td>
</tr>
<tr>
<td>APP 7 — Direct marketing</td>
<td>402</td>
</tr>
<tr>
<td>APP 8 — Cross-border disclosure</td>
<td>125</td>
</tr>
<tr>
<td>APP 9 — Government identifiers</td>
<td>12</td>
</tr>
<tr>
<td>APP 10 — Quality of personal information</td>
<td>151</td>
</tr>
<tr>
<td>APP 11 — Security of personal information</td>
<td>1421</td>
</tr>
<tr>
<td>APP 12 — Access to personal information</td>
<td>1655</td>
</tr>
<tr>
<td>APP 13 — Correction</td>
<td>113</td>
</tr>
<tr>
<td>APPs — Exemptions</td>
<td>1534</td>
</tr>
<tr>
<td>APPs generally</td>
<td>754</td>
</tr>
</tbody>
</table>
### Table 6.2.2 Breakdown of issues discussed: Information Privacy Principles (IPPs)

<table>
<thead>
<tr>
<th>Issues</th>
<th>Number of calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPPs 1, 2, and 3 — Collection</td>
<td>2</td>
</tr>
<tr>
<td>IPP 4 — Data security</td>
<td>1</td>
</tr>
<tr>
<td>IPP 5 — Privacy statement</td>
<td>3</td>
</tr>
<tr>
<td>IPPs 6 and 7 — Access and correction</td>
<td>1</td>
</tr>
<tr>
<td>IPPs 8 and 9 — Accuracy and relevance</td>
<td>0</td>
</tr>
<tr>
<td>IPPs 10 and 11 — Use and disclosure</td>
<td>2</td>
</tr>
<tr>
<td>IPPs generally</td>
<td>1</td>
</tr>
</tbody>
</table>

### Table 6.2.3 Breakdown of issues discussed: National Privacy Principles (NPPs)

<table>
<thead>
<tr>
<th>Issues</th>
<th>Number of calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPP 1 — Collection</td>
<td>1</td>
</tr>
<tr>
<td>NPP 2 — Use and disclosure</td>
<td>1</td>
</tr>
<tr>
<td>NPP 3 — Data quality</td>
<td>3</td>
</tr>
<tr>
<td>NPP 4 — Data security</td>
<td>2</td>
</tr>
<tr>
<td>NPP 5 — Openness (privacy statement)</td>
<td>1</td>
</tr>
<tr>
<td>NPP 6 — Access and correction</td>
<td>5</td>
</tr>
<tr>
<td>NPP 7 — Identifiers</td>
<td>0</td>
</tr>
<tr>
<td>NPP 8 — Anonymity</td>
<td>0</td>
</tr>
<tr>
<td>NPP 9 — Transborder data flows</td>
<td>0</td>
</tr>
<tr>
<td>NPP 10 — Sensitive information collection</td>
<td>0</td>
</tr>
<tr>
<td>NPPs — Exemptions</td>
<td>4</td>
</tr>
<tr>
<td>NPPs generally</td>
<td>7</td>
</tr>
</tbody>
</table>

### Table 6.2.4 Breakdown of issues discussed: Other

<table>
<thead>
<tr>
<th>Issues</th>
<th>Number of calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit reporting</td>
<td>1150</td>
</tr>
<tr>
<td>Data breach notification</td>
<td>77</td>
</tr>
<tr>
<td>Data-matching</td>
<td>7</td>
</tr>
<tr>
<td>Personally controlled electronic health records</td>
<td>7</td>
</tr>
<tr>
<td>Privacy codes</td>
<td>1</td>
</tr>
<tr>
<td>Spent convictions</td>
<td>135</td>
</tr>
<tr>
<td>Tax file numbers</td>
<td>52</td>
</tr>
<tr>
<td>Territory Privacy Principles (ACT public sector)</td>
<td>34</td>
</tr>
</tbody>
</table>
Following are some examples of enquiries received during 2014–15.

- **An individual advised that when they are contacted by their bank’s overseas call centres they are asked to confirm their name and date of birth. However, rather than asking the individual to provide their details, the operator states the customer’s full name and asks if this is correct, and then does the same thing by stating their date of birth.**

  The enquirer raised their privacy concerns with their bank directly, and the response received was that it is not breaching any laws.

  The OAIC provided the caller with information on APP 11 (security of personal information), and noted that there may be a concern around whether the bank is actually taking reasonable steps to protect the personal information it holds from unauthorised access/disclosure.

  The OAIC advised the enquirer to put their complaint in to the OAIC as the next step.

- **An enquirer claimed that the principal at his daughter’s private school is proposing to start randomly filming classroom activities. The enquirer advised that, at the time that his daughter was enrolled at the school, he and his wife had actively declined to consent to the collection of their daughter’s image.**

  The enquirer’s wife is also a teacher at the school and does not want the principal to film her classroom. The principal has advised that he will be collecting this information for the purposes of managing performance.

  The OAIC provided the enquirer with information on APP 3 (collection of personal information) and the OAIC’s complaints process with regards to the collection of the daughter’s personal information.

  The OAIC also advised the enquirer that the employee records exemption would apply to the collection of his wife’s personal information in this scenario.

- **An enquirer advised that they found images of their rare health condition online. As the radiologist that uploaded the images works as both a public and private health service provider, it is unclear whether they would be covered by the APPs.**

  The OAIC discussed these jurisdictional issues with the individual, noting that these would need to be considered if the individual made a complaint. The OAIC advised on the definition of ‘personal information’, noting that it was unclear whether x-rays of the enquirer’s rare medical condition (without their name attached) would meet the definition of personal information in the Privacy Act. The rarity of the condition may mean that the individual is reasonably identifiable as result. The OAIC also provided information on APP 6 and the privacy complaints process.

- **An enquirer was sent to a private health service provider by their employer. The health service provider gave the individual a number of forms to complete before their appointment, one of which included a consent form that advised that the enquirer ‘understand[s] that they do not have a right to access the information’.**
When the enquirer sought access to the records the health service provider holds about them, they were referred to their employer with the advice that the employer had paid for the records so the health service provider could not provide a copy to the individual.

The OAIC provided advice on APP 12 and the OAIC’s complaints process. The OAIC also noted that signing the consent form does not mean that the individual has signed away their rights to access under the Privacy Act. This does not absolve the health service provider of their APP obligations.

• An enquirer advised that they are a parent of a child that attends an independent school. The enquirer has made a complaint to the school, alleging that their child has been the subject of bullies, and named the other students allegedly involved. The school advised that it would not provide the enquirer with any information about its handling of the enquirer’s complaint, including whether the allegations had been substantiated by the school’s own investigation. The enquirer was not satisfied with this position.

The OAIC provided information about APP 6, noting that the school would not generally be permitted to disclose that information to the enquirer. The OAIC advised the caller that the Privacy Act does not provide them with a right to access information about another individual.

The enquirer raised concerns about this interpretation of the Privacy Act, stating that this did not appear correct as it left them without any options to determine whether the school has actually investigated their complaint.

The OAIC advised the enquirer that that is a matter for the school to address. However, it would likely be a breach of the Privacy Act if the school was to disclose any of the information that the enquirer has requested.

Complaints

The OAIC can investigate complaints about acts or practices that may be an interference with an individual’s privacy. These can include allegations that:

• personal information has been collected, held, used or disclosed by an organisation in contravention of the APPs (previously the NPPs)

• personal information has been handled by an Australian Government agency in a manner that does not comply with the APPs (previously the IPPs)

• credit-worthiness information held by credit providers and credit reporting agencies has been mishandled

• tax file numbers (TFNs) have been mishandled by individuals or organisations

• personal information has not been managed in accordance with spent conviction, data matching or healthcare identifier legislation.
Complaints received during 2014–15

In 2014–15, the OAIC received a total of 2841 complaints relating to privacy, on a wide variety of issues.

Table 6.3 OAIC privacy complaints received and finalised over the last three years

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>1496</td>
<td>4239</td>
<td>2841</td>
</tr>
<tr>
<td>Closed</td>
<td>1504</td>
<td>2617</td>
<td>1976</td>
</tr>
</tbody>
</table>

Table 6.4 outlines the relevant parts of the Privacy Act that were the subject of complaints. The number of complaints that related to parts of the Privacy Act exceeds the total number of complaints and the percentages exceed 100% because a complaint can relate to more than one part of the Privacy Act.

In 2014–15, 941 of the total number of complaints received (or 33.1%) were about the APPs. About 30.6% of complaints were about the IPPs and another 24.3% about credit related issues.

Table 6.4 Part of the Privacy Act subject of complaints

<table>
<thead>
<tr>
<th>Key issue</th>
<th>Number of complaints that include key issue</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPs</td>
<td>941</td>
<td>33.1</td>
</tr>
<tr>
<td>IPPs</td>
<td>868</td>
<td>30.6</td>
</tr>
<tr>
<td>Credit reporting</td>
<td>690</td>
<td>24.3</td>
</tr>
<tr>
<td>Jurisdictional issues&lt;sup&gt;2&lt;/sup&gt;</td>
<td>180</td>
<td>6.3</td>
</tr>
<tr>
<td>NPPs</td>
<td>142</td>
<td>5.0</td>
</tr>
<tr>
<td>Other (data matching, TFN, eHealth, spent convictions)</td>
<td>20</td>
<td>0.7</td>
</tr>
</tbody>
</table>

Table 6.5.1 sets out the issues complained about under the NPPs, IPPs and APPs and Table 6.5.2 sets out other issues in complaints. Both tables display each issue as a percentage of total complaints received in 2014–15. The percentage of complaints column exceeds 100% because a complaint can raise more than one issue. The most commonly complained about issues in 2014–15 were use and disclosure, access to personal information and security of personal information.

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<sup>2</sup> In this report, ‘jurisdictional issues’ covers matters where the coverage of the Privacy Act is unclear or the issue is not covered by the Privacy Act.
Table 6.5.1 Issues in complaints: NPPs, IPPs and APPs

<table>
<thead>
<tr>
<th>Issue</th>
<th>NPPs Number of complaints</th>
<th>IPPs Number of complaints</th>
<th>APPs Number of complaints</th>
<th>Total Number of complaints</th>
<th>Total % of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Openness and transparency</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td>14</td>
<td>0.5</td>
</tr>
<tr>
<td>Anonymity and pseudonymity</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>6</td>
<td>0.2</td>
</tr>
<tr>
<td>Collection</td>
<td>13</td>
<td>7</td>
<td>159</td>
<td>179</td>
<td>6.3</td>
</tr>
<tr>
<td>Unsolicited personal information</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0.04</td>
</tr>
<tr>
<td>Notification of collection</td>
<td>0</td>
<td>1</td>
<td>32</td>
<td>33</td>
<td>1.2</td>
</tr>
<tr>
<td>Use or disclosure</td>
<td>56</td>
<td>870</td>
<td>448</td>
<td>1374</td>
<td>48.4</td>
</tr>
<tr>
<td>Direct marketing</td>
<td>0</td>
<td>0</td>
<td>111</td>
<td>111</td>
<td>3.9</td>
</tr>
<tr>
<td>Cross-border disclosure</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0.04</td>
</tr>
<tr>
<td>Government identifiers</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0.04</td>
</tr>
<tr>
<td>Quality of personal information</td>
<td>86</td>
<td>3</td>
<td>129</td>
<td>218</td>
<td>7.7</td>
</tr>
<tr>
<td>Security of personal information</td>
<td>39</td>
<td>843</td>
<td>188</td>
<td>1070</td>
<td>37.7</td>
</tr>
<tr>
<td>Access to personal information</td>
<td>6</td>
<td>2</td>
<td>354</td>
<td>362</td>
<td>12.7</td>
</tr>
<tr>
<td>Correction</td>
<td>0</td>
<td>1</td>
<td>22</td>
<td>23</td>
<td>0.8</td>
</tr>
</tbody>
</table>

Table 6.5.2 Issues in complaints: Other

<table>
<thead>
<tr>
<th>Issue</th>
<th>Number of Complaints</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit reporting</td>
<td>1030</td>
<td>36.3</td>
</tr>
<tr>
<td>Jurisdictional issues</td>
<td>203</td>
<td>7.1</td>
</tr>
<tr>
<td>Spent convictions</td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>TFN</td>
<td>13</td>
<td>0.5</td>
</tr>
<tr>
<td>Territory Privacy Principles (TPPs)</td>
<td>10</td>
<td>0.4</td>
</tr>
</tbody>
</table>

Most complained about sectors

Table 6.6 shows the number of complaints made about each of the 10 most commonly complained about industry sectors. Complaints against Australian Government agencies were high but reflect a large number of individual complaints received about a single issue related to one government agency.
Table 6.6 Ten most commonly complained about sectors

<table>
<thead>
<tr>
<th>Sector</th>
<th>Number of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Government</td>
<td>987</td>
</tr>
<tr>
<td>Finance (including superannuation)</td>
<td>429</td>
</tr>
<tr>
<td>Credit reporting bodies</td>
<td>253</td>
</tr>
<tr>
<td>Health service providers</td>
<td>140</td>
</tr>
<tr>
<td>Utilities</td>
<td>118</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>115</td>
</tr>
<tr>
<td>Online services</td>
<td>101</td>
</tr>
<tr>
<td>Debt collectors</td>
<td>94</td>
</tr>
<tr>
<td>Retail</td>
<td>77</td>
</tr>
<tr>
<td>Business/professional associations</td>
<td>71</td>
</tr>
</tbody>
</table>

State of origin of complainants

As a national body, the OAIC seeks to ensure its services are accessible to people from across Australia. Table 6.7 outlines the distribution of complaints across the states and territories. This distribution reflects that the number of complaints is generally proportionate to population. Variances may also reflect that there is a state privacy regulator that can provide local assistance. In some cases, such as the Northern Territory, higher numbers are reflective of a large group of people affected by a single data breach by one Australian Government agency.

Table 6.7 State of origin of complainants

<table>
<thead>
<tr>
<th>State</th>
<th>Number of complaints</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>60</td>
<td>2.1</td>
</tr>
<tr>
<td>NSW</td>
<td>548</td>
<td>19.3</td>
</tr>
<tr>
<td>NT</td>
<td>281</td>
<td>9.9</td>
</tr>
<tr>
<td>QLD</td>
<td>421</td>
<td>14.8</td>
</tr>
<tr>
<td>SA</td>
<td>86</td>
<td>3.0</td>
</tr>
<tr>
<td>TAS</td>
<td>16</td>
<td>0.6</td>
</tr>
<tr>
<td>VIC</td>
<td>456</td>
<td>16.1</td>
</tr>
<tr>
<td>WA</td>
<td>347</td>
<td>12.2</td>
</tr>
<tr>
<td>Not provided</td>
<td>754</td>
<td>26.5</td>
</tr>
</tbody>
</table>
Organisations and agencies with the largest numbers of complaints

The most complained about organisations and agencies are listed in Table 6.8.

Many of these organisations and agencies carry out high numbers of transactions involving personal information, and the number of complaints may represent only a small percentage of those transactions.

The fact that an organisation or agency has been the subject of a complaint does not necessarily mean that the organisation or agency has been found to be in breach of the Privacy Act. In some cases, a high number of complaints may be received about a single issue affecting a large number of people. For example in 2014–15, the OAIC received a large number of complaints against the Department of Immigration and Border Protection (DIBP) from people affected by a data breach that occurred in February 2014.

**Table 6.8 Organisations and agencies with the largest number of complaints**

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Number of complaints received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Immigration and Border Protection</td>
<td>847</td>
</tr>
<tr>
<td>Dun &amp; Bradstreet (Australia) Pty Ltd</td>
<td>165</td>
</tr>
<tr>
<td>Veda Advantage Information Services and Solutions Ltd</td>
<td>84</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>63</td>
</tr>
<tr>
<td>Telstra Corporation Limited</td>
<td>52</td>
</tr>
<tr>
<td>Origin Energy</td>
<td>41</td>
</tr>
<tr>
<td>Credit Corp Group Limited</td>
<td>36</td>
</tr>
<tr>
<td>Commonwealth Bank of Australia</td>
<td>34</td>
</tr>
<tr>
<td>ANZ Bank Limited</td>
<td>29</td>
</tr>
<tr>
<td>Westpac Banking Corporation</td>
<td>29</td>
</tr>
</tbody>
</table>

Complaints closed during 2014–15

In 2014–15, the OAIC closed 1976 complaints, a decrease of 24% on the number of complaints closed in 2013–14.

One of the OAIC’s deliverables (see Chapter Two: Organisation overview) is to finalise 80% of all privacy complaints within 12 months of receipt. In 2014–15, the OAIC finalised 98.3% of complaints within 12 months. In 2014–15, complaints were closed in an average of 4.3 months, a slight increase on the previous financial year average of 2.8 months.

The OAIC can investigate acts or practices that may be an interference with privacy. Where appropriate, an attempt will be made to resolve a complaint through conciliation.
The OAIC may decide to not investigate the matter or to cease an investigation on a number of grounds, for example, if it is satisfied that a matter has been adequately dealt with or there has not been an interference with privacy. Otherwise, a Commissioner may make a determination about a complaint under s 52 of the Privacy Act. Table 6.9 provides more information about the stage at which complaints were closed.

Table 6.9 Stage at which complaints were closed

<table>
<thead>
<tr>
<th>Stage closed</th>
<th>Number of complaints</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without investigation</td>
<td>720</td>
<td>36.4</td>
</tr>
<tr>
<td>Preliminary inquiries</td>
<td>580</td>
<td>29.4</td>
</tr>
<tr>
<td>Investigation</td>
<td>676</td>
<td>34.2</td>
</tr>
<tr>
<td>Total</td>
<td>1976</td>
<td>100</td>
</tr>
</tbody>
</table>

Complaints closed without investigation

In 2014–15, the OAIC closed 36.4% of complaints without investigation. Where a complaint is closed without investigation, the OAIC contacts the applicant to explain the reason for the decision not to investigate and, where appropriate, applicants will be referred to an organisation or agency that may be able to assist them.

The most common reasons for not investigating complaints were:
- no interference with privacy (s 41(1)(a))
- complaint had not been raised with the respondent before being brought to the OAIC (s 40(1A))
- complaint was not within jurisdiction, the individual lodging the complaint was not complaining about the handling of their own personal information, or a respondent was not specified (s 36)
- complainant had not given the respondent sufficient time to deal with the complaint (s 41(2)(b)).

Reasons for closing complaints

Once the OAIC has confirmed that it has jurisdiction to investigate a complaint it tries, where possible, to resolve it at an early stage of the resolution process. The OAIC may find that the respondent has adequately dealt with the matter, or the OAIC may be able to resolve the complaint through conciliation. In some cases a Commissioner may make a determination under s 52 of the Privacy Act. Table 6.10 provides reasons for closing complaints under the Privacy Act, either with or without investigation. The total number of issues by jurisdiction exceeds the number of complaints closed because a complaint may raise more than one issue.
### Table 6.10 Reasons for closing complaints by jurisdiction

<table>
<thead>
<tr>
<th>Reasons</th>
<th>APPs</th>
<th>NPPs</th>
<th>IPPs</th>
<th>Credit Reporting</th>
<th>TFN or Spent Convictions</th>
<th>Data matching or TPPs</th>
<th>Jurisdictional issues</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 36</td>
<td>8</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>80</td>
</tr>
<tr>
<td>s 40(1A)</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>39</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>47</td>
</tr>
<tr>
<td>s 41(1)(a)</td>
<td>252</td>
<td>128</td>
<td>32</td>
<td>262</td>
<td>4</td>
<td>3</td>
<td>94</td>
<td>775</td>
</tr>
<tr>
<td>s 41(1)(c)</td>
<td>1</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>s 41(1)(d)</td>
<td>26</td>
<td>6</td>
<td>2</td>
<td>163</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>198</td>
</tr>
<tr>
<td>s 41(1)(da)</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>s 41(1)(db)</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>21</td>
</tr>
<tr>
<td>s 41(1)(dc)</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>s 41(1)(e)</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>s 41(1)(f)</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>s 41(2)(a)</td>
<td>207</td>
<td>111</td>
<td>20</td>
<td>189</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>536</td>
</tr>
<tr>
<td>s 41(2)(b)</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>s 52</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Other</td>
<td>169</td>
<td>38</td>
<td>9</td>
<td>109</td>
<td>0</td>
<td>0</td>
<td>16</td>
<td>341</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>705</td>
<td>301</td>
<td>67</td>
<td>775</td>
<td>5</td>
<td>6</td>
<td>198</td>
<td>2057</td>
</tr>
</tbody>
</table>

Key:
- s 36 — not the privacy of the complainant or no respondent specified, no jurisdiction
- s 40(1A) — complaint not raised with respondent
- s 41(1)(a) — no interference with privacy
- s 41(1)(c) — aware of alleged breach for more than 12 months
- s 41(1)(d) — frivolous, vexatious, misconceived, lacks substance
- s 41(1)(da) — investigation not warranted
- s 41(1)(db) — no response in specified period
- s 41(1)(dc) — complaint is being dealt with by a recognised external dispute resolution scheme
- s 41(1)(e) — dealt with under another law
- s 41(1)(f) — another law is more appropriate
- s 41(2)(a) — respondent has adequately dealt with the matter
- s 41(2)(b) — respondent has not had an opportunity to deal with the complaint
- s 52 — determination made by the Privacy Commissioner

Other — for example, withdrawn.

Of note is the high number of credit matters closed on the basis there was no interference with privacy. This is reflected in the increased number of complaints received prior to the changes to the credit reporting provisions that were introduced in March 2014, and the large number of people who sought to address concerns with their credit reports prior to those changes coming into effect.
Chapter Six  Privacy compliance

The large number of matters that were declined was a result of many complaints that related to personal information held by credit providers that is allowed by both the pre and post reform credit related provisions and so did not raise an issue of substance under the Privacy Act. Credit related complaints are often resolved through conciliation by updating credit information, removing incorrectly listed defaults or debts or unlinking credit files that have been incorrectly linked. In some cases the resolution may include financial compensation where a complainant has incurred financial disadvantage.

Nature of remedies achieved in complaints

Many complaints about alleged interferences with privacy are resolved informally by the OAIC’s dispute resolution team. Table 6.11 provides further detail about the types of remedies achieved. The total number of remedies listed in Table 6.11 exceeds the total number of complaints as more than one remedy may have resulted for a particular complaint.

Table 6.11 Complaints closed with a remedy obtained

<table>
<thead>
<tr>
<th>Remedy</th>
<th>APPs</th>
<th>NPPs</th>
<th>IPPs</th>
<th>Credit reporting</th>
<th>TFN and TPPs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access provided</td>
<td>81</td>
<td>28</td>
<td>0</td>
<td>12</td>
<td>0</td>
<td>121</td>
</tr>
<tr>
<td>Apology</td>
<td>46</td>
<td>37</td>
<td>14</td>
<td>11</td>
<td>2</td>
<td>110</td>
</tr>
<tr>
<td>Changed procedures</td>
<td>20</td>
<td>9</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>33</td>
</tr>
<tr>
<td>Compensation up to $5000</td>
<td>17</td>
<td>24</td>
<td>4</td>
<td>8</td>
<td>1</td>
<td>54</td>
</tr>
<tr>
<td>Compensation $5001 to $10,000</td>
<td>2</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Compensation over $10,001</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Counselled staff</td>
<td>13</td>
<td>10</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>27</td>
</tr>
<tr>
<td>Other remedy*</td>
<td>53</td>
<td>24</td>
<td>4</td>
<td>94</td>
<td>1</td>
<td>176</td>
</tr>
<tr>
<td>Record amended</td>
<td>38</td>
<td>19</td>
<td>1</td>
<td>84</td>
<td>0</td>
<td>142</td>
</tr>
<tr>
<td>Staff training</td>
<td>12</td>
<td>7</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>24</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>287</strong></td>
<td><strong>168</strong></td>
<td><strong>34</strong></td>
<td><strong>214</strong></td>
<td><strong>219</strong></td>
<td><strong>922</strong></td>
</tr>
</tbody>
</table>

* Other remedy — for example, provision of, or access to, goods and services, the removal of internet-based material, the respondent undertaking to change systems and practices.

Time taken to close complaints

The OAIC has received a significant increase in privacy complaints over the last two years, but has streamlined its complaint handling processes to ensure matters continue to be finalised in a timely manner. The OAIC finalises most matters within six months of receipt.
Table 6.12 Time taken to close complaints

<table>
<thead>
<tr>
<th>Months</th>
<th>APPs</th>
<th>NPPs</th>
<th>IPPs</th>
<th>Credit reporting</th>
<th>Other*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–6</td>
<td>500</td>
<td>161</td>
<td>28</td>
<td>674</td>
<td>181</td>
<td>1544</td>
</tr>
<tr>
<td>6–12</td>
<td>165</td>
<td>106</td>
<td>26</td>
<td>95</td>
<td>6</td>
<td>398</td>
</tr>
<tr>
<td>12+</td>
<td>2</td>
<td>18</td>
<td>12</td>
<td>1</td>
<td>1</td>
<td>34</td>
</tr>
</tbody>
</table>

*Other — data matching, jurisdictional issue, spent convictions, TFN and TPPs.

Case studies of complaints resolved

The Privacy Act requires the OAIC to endeavour to resolve complaints through conciliation where appropriate to do so. Many complaints are resolved through this process.

Case study: Consent and disclosure

The complainant stated that she attended the respondent counselling service about family issues. The complainant alleged that when leaving the counselling service, the counsellor disclosed information about her personal issues to a friend waiting for her in the waiting room.

The respondent believed the complainant had consented to any disclosure that may have occurred. The complainant disputed that she had provided consent for this disclosure. The matter was resolved by payment of $5000 compensation by the respondent for hurt and humiliation.

Case study: Use of personal information by an agency

The complainant was previously employed at a government agency. She had discussed her performance development scheme, along with her medical information, with her manager. The complainant’s manager summarised the content of these discussions in an email to the complainant, but also copied a number of other individuals within the agency. The complainant alleged that these individuals did not need to be aware of this information, and that the agency had improperly used her personal information.

Following an investigation, the agency acknowledged that it had improperly used the complainant’s personal information. The matter was resolved through conciliation on the basis of an apology and compensation payment of $5000 to the complainant for hurt and humiliation.
Case study: Disclosure of personal information by a real estate agent

The complainant alleged that the respondent, a real estate agent, had provided a letter to a third party that contained the complainant’s personal information, including her name, previous address and arrears outstanding when the complainant left the property. The complainant claimed that the third party disseminated this letter, and used it to her detriment in other forums.

Prior to contacting the OAIC, the complainant had attempted to raise this complaint with the respondent, but the respondent stated that it did not consider it was responsible for the events in question, and declined to assist.

Following investigation, with no admission of liability, the matter was resolved on the basis of compensation payment of $7500 for hurt and humiliation.

Case study: Access to medical records

The complainant requested a copy of his medical file from the respondent medical centre. The respondent advised him that the charge for a copy of the file was $684. The respondent claimed that the charge was reasonable in the circumstances, as the information contained in the medical file was the property of the doctor and the complainant was going to use the information in an unrelated personal injury claim.

As a result of the conciliation process, the respondent reconsidered the charge and reduced it to $66, on the basis of the resources involved in providing the complainant a copy of the file.
Case study: Disclosure of health information

The complainant was previously a client of the respondent, a health services provider that offered IVF treatment. The complainant received a group email from the respondent, advising of new services it would be offering. The recipients of this group email had not been blind carbon copied, and so all the recipients had been informed of the complainant’s email address, which identified her full name, and the fact that she had been a client of the respondent.

The respondent acknowledged that it had improperly disclosed the complainant’s details. The matter was resolved by conciliation, with the respondent agreeing to pay the complainant $12,000 in compensation. The respondent also implemented privacy training for its staff, apologised directly to the complainant and her partner, and offered the complainant $10,000 worth of medical services, if required in the future.

Complaints under privacy codes

Until 11 March 2014, the Privacy Act allowed for organisations or groups of organisations to develop privacy codes to replace the NPPs as the legally enforceable privacy standards for those organisations.

Two NPP codes were in force until 11 March 2014:

- Queensland Club Industry Privacy Code

The OAIC did not receive any complaints under either of these codes in 2014–15.

From 12 March 2014, any APP entity or group of APP entities can develop a code of practice about information privacy (an APP code) and seek registration by the Australian Information Commissioner (Information Commissioner). In 2014–15 the OAIC registered the first APP code since the commencement of the privacy reforms, the Privacy (Market and Social Research) Code 2014. The OAIC did not receive any complaints under this code in 2014–15.

For more information about APP codes, see Chapter Five: Privacy advice and law.

Complaints to recognised external dispute resolution schemes

The 2014–15 financial year was the first full year of implementation of the recognised external dispute resolution (EDR) scheme, introduced under the reforms to the Privacy Act in March 2014.
The EDR schemes operate to ensure that complaints about alleged privacy breaches are generally resolved through industry or specialist complaint handling bodies in the first instance, and only referred to the OAIC where the parties have been unable to resolve the matter with the assistance of the EDR scheme. For more information about EDR schemes, see Chapter Five: Privacy advice and law.

The OAIC has worked collaboratively with the recognised EDR schemes to ensure consistency of approach to privacy issues, and appreciates the strong working relationships established with the recognised EDR schemes.

The Information Commissioner was pleased to see the high levels of resolution achieved by the EDR schemes.

Each recognised EDR scheme has provided the OAIC with statistical information about the number of privacy complaints received, resolved, referred and finalised.

The recognised EDR schemes received over 5000 privacy related complaints. Of those, around 50% were referred elsewhere — either to the respondent, another EDR scheme, or another body that could more effectively deal with the matter.

Around 28.5% of all privacy matters across the recognised EDR schemes were resolved, with the most common outcomes being record amendment and financial compensation.

It is apparent from the data that many complaints lodged with the EDR schemes are resolved quickly, either directly with the EDR scheme, or through referral back to the organisation that is the subject of the complaint.

This shows that the EDR scheme model is working effectively, as many matters related to privacy are being dealt with quickly and informally.

More complex matters, or complaints that raise systemic issues, may be referred to the OAIC, either:

- by the EDR scheme
- by the applicant directly, if they are dissatisfied with the outcome of the EDR process.

Given that this is the first full year of operation, the OAIC will be working with the EDR schemes to analyse the data and refine any processes or practices to optimise the effectiveness of the EDR model.

The OAIC takes this opportunity to thank the EDR schemes for their active contribution to the overall success of the EDR scheme, and looks forward to continuing to work the EDR schemes in 2015–16.
Determinations

The Privacy Commissioner made seven determinations in 2014–15. Summaries of two of these determinations are below. The full text of each determination is available on the OAIC website.

- ‘CM’ and Corporation of the Synod of the Diocese of Brisbane [2014] AICmr 86 (2 September 2014)
- ‘CP’ and Department of Defence [2014] AICmr 88 (2 September 2014)
- ‘DK’ and Telstra Corporation Limited [2014] AICmr 118 (30 October 2014)
- ‘DO’ and Department of Veterans’ Affairs [2014] AICmr 124 (13 November 2014)
- ‘EZ’ and ‘EY’ [2015] AICmr 23 (7 March 2015)

‘EQ’ and Great Barrier Reef Marine Park Authority [2015] AICmr 11

In ‘EQ’ and Great Barrier Reef Marine Park Authority [2015] AICmr 11 the Privacy Commissioner declared that the Great Barrier Reef Marine Park Authority (GBRMPA) had interfered with the privacy of the complainant, a marine conservation research assistant who had been caught by government authorities fishing in a prohibited area, by improperly disclosing his personal information to News Corp Australia.

‘EQ’ lodged a complaint with the OAIC on 20 September 2013, claiming that GBRMPA improperly disclosed his information to News Corp Australia on two separate occasions and to the Queensland Seafood Industry Association on one occasion.

The Privacy Commissioner held that GBRMPA had breached the Privacy Act in one instance. The Privacy Commissioner found that GBRMPA’s disclosure to News Corp Australia, in response to a request for information about its investigation into the illegal fishing incident, was not authorised by IPP 11.1. The Privacy Commissioner found that there was insufficient information available to him to find breaches in relation to the other two alleged improper disclosures.

The Privacy Commissioner ordered GBRMPA to review and confirm training of its staff and agents in handling personal information, and to apologise in writing and pay $5000 compensation to the complainant within 28 days of the making of the declaration.

Ben Grubb v Telstra Corporation Limited [2015] AICmr 35

In Ben Grubb v Telstra Corporation Limited [2015] AICmr 35 the Privacy Commissioner declared that Telstra Corporation Limited (Telstra) had interfered with the privacy of journalist complainant Ben Grubb by refusing him access to his metadata held by Telstra.

Mr Grubb lodged a complaint with the OAIC on 8 August 2013, claiming that Telstra should provide him with access to his metadata because it was his personal information, it was able to be obtained from Telstra’s systems, and he was able to be identified from it.
The Privacy Commissioner held that the metadata from which Mr Grubb’s identity could reasonably be ascertained constituted his personal information under the Privacy Act, and that Telstra had breached the Privacy Act by refusing Mr Grubb access to it.

The Privacy Commissioner ordered Telstra to provide Mr Grubb’s metadata to him within 30 days of the making of the declaration. Telstra was not required to hand over incoming call numbers, as the Privacy Commissioner found that giving access to this information would unreasonably impact on the privacy of the incoming callers.

**Commissioner initiated investigations**

Section 40(2) of the Privacy Act enables the Information Commissioner to investigate an incident that may be an interference with privacy without first receiving a complaint from an individual, if the Information Commissioner considers that it is desirable that the act or practice be investigated. These investigations are called Commissioner initiated investigations (CIIs).

When conducting a CII, the OAIC can gather information about a respondent’s privacy practices, and can work with the respondent to resolve issues of noncompliance and improve their overall privacy practices.

Prior to the amendments to the Privacy Act that commenced on 12 March 2014, these investigations were known as ‘own motion investigations’ (OMIs), and the Information Commissioner’s power at the conclusion of an investigation was limited to making recommendations. In contrast, when finalising a CII, the Information Commissioner has a wider range of enforcement powers, including making a determination or accepting an enforceable undertaking.

During 2014–15, the OAIC commenced four CIIs. All four of these investigations involved consideration of APP 11 (security of personal information). Three also involved consideration of APP 6 (use or disclosure of personal information). The OAIC also finalised two OMIs, which had been commenced prior to 12 March 2014.

Examples of significant CIIs and OMIs finalised in 2014–15 are included below.

**Adobe Systems Software Ireland Ltd**

In 2013, Adobe Systems Software Ireland Ltd (Adobe) experienced a cyber-attack that involved the compromise of information relating to at least 38 million Adobe customers globally, including over 1.7 million Australians. The Privacy Commissioner conducted an OMI into the incident, which considered whether Adobe had taken reasonable steps to protect the personal information it held. Recognising the global nature of the incident, the Privacy Commissioner’s investigation was conducted in cooperation with the Data Protection Commissioner of Ireland and the Office of the Privacy Commissioner of Canada.
In June 2015, the Privacy Commissioner found that Adobe failed to take reasonable steps to protect all the personal information it held. The Privacy Commissioner found that Adobe generally takes a sophisticated and layered approach to information security and the protection of its IT systems. However, he was concerned about the way in which Adobe secured its customers’ email addresses and associated passwords in the compromised system, and found that these were not protected to the standard required in the circumstances. Adobe took a range of measures to strengthen its privacy framework and ensure that it was meeting its obligations under the Privacy Act.

Department of Immigration and Border Protection

In February 2014, the OAIC became aware of an incident in which a document containing the personal information of approximately 9250 asylum seekers was published on DIBP’s website. The categories of personal information within the document included full names, gender, citizenship, dates of birth, period of immigration detention, location, boat arrival details, and reasons why the individual was considered to be in Australia unlawfully.

The breach occurred when statistical data was mistakenly embedded in a Microsoft Word document that was published on DIBP’s website. The document was accessed several times, and was republished by an automated archiving service.

At the conclusion of the investigation, the Privacy Commissioner found that DIBP had breached the Privacy Act by failing to put in place reasonable security safeguards to protect the personal information that it held. The Privacy Commissioner also found that the publication of the document by DIBP constituted an unauthorised disclosure of personal information, in contravention of the Privacy Act. As the incident occurred before 12 March 2014, the Privacy Commissioner’s powers were limited to making recommendations. The Privacy Commissioner made a number of recommendations about how DIBP could improve its processes, including requesting that it engage an independent auditor to certify that DIBP had implemented the planned remediation.

Singtel Optus Pty Ltd

In July 2014, the Privacy Commissioner commenced a CII to investigate three significant data breach incidents, following a voluntary DBN of the three incidents by Singtel Pty Ltd (Optus). The Privacy Commissioner was concerned that Optus may not have met the requirements of APP 11 in relation to the three incidents.

In March 2015, the Privacy Commissioner accepted an enforceable undertaking from Optus to improve the protection of personal information held by Optus. The Privacy Commissioner considered this was an appropriate outcome for the investigation, as Optus had taken steps to contain each of the incidents once it became aware of them, had cooperated with the OAIC during the investigation, and undertook to complete a wide ranging independent review of its information security systems and implement any recommendations. This was the first enforceable undertaking made following the reforms to the Privacy Act in March 2014.
Scentre Group

In February 2015, the OAIC was notified by a shopping centre operator about media commentary that alleged that security guards at one of its shopping centres had been compiling images and videos of female shoppers for purposes unrelated to their work.

The Privacy Commissioner concluded his investigation in June 2015, finding that the incident had occurred despite the shopping centre taking reasonable steps to protect the CCTV footage it held, as required by the Privacy Act. This case demonstrates that even where a data breach has occurred it does not necessarily indicate a breach of privacy obligations by the organisation involved. Although entities covered by the Privacy Act are required to take reasonable steps to protect the personal information that they hold, doing so cannot prevent all data breaches.

To reduce the risk of recurrence, the shopping centre operator put in place even more stringent protections for the CCTV footage that it held.

Data breach notifications

A voluntary DBN occurs when an organisation or agency informs the OAIC that personal information in its possession or control has been subject to loss or unauthorised access, use, disclosure, modification or other misuse.

There is no specific obligation in the Privacy Act requiring organisations or agencies to report data breaches to the OAIC. However, the OAIC encourages organisations and agencies to apply the advice set out in the OAIC’s Data breach notification: A guide to handling personal information security breaches. This includes notifying the OAIC of data breaches where there is a real risk of serious harm as a result of the data breach.

In 2014–15, the OAIC received 110 voluntary DBNs, a 64% increase from the number received in 2013–14.³

Reporting a DBN to the OAIC and taking follow-up action can help organisations and agencies ensure they meet their obligations under the Privacy Act. The OAIC’s preferred regulatory approach is to work with organisations and agencies to encourage compliance and best privacy practice. The OAIC considers reports of data breaches and provides guidance to organisations and agencies that have experienced a data breach. The OAIC also considers whether the incident may require further privacy regulatory action.

³ The 2013–14 annual report includes an error in relation to the number of voluntary DBNs received, at pages ix, xix, 6, 76 and 93. The report incorrectly states that 71 voluntary DBNs were received. In fact, 67 voluntary DBNs were received in 2013–14.
In cases where the OAIC is not satisfied with the voluntary action taken by the organisation or agency to resolve the matter, or where the nature of the breach warrants further action, the OAIC will make further enquiries and, where relevant, work with the agency or organisation to address the breach. In certain circumstances, the Information Commissioner may open a CII to investigate a data breach incident formally.

Under s 75 of the *Personally Controlled Electronic Health Records Act 2012* (PCEHR Act), some entities have a mandatory obligation to notify the OAIC of certain data breaches in connection with the personally controlled electronic health records (PCEHR) system. In 2014–15, the OAIC received seven mandatory DBNs from the Chief Executive Medicare in their capacity as a registered repository operator under s 38 of the PCEHR Act. Each breach affected one individual and arose from an intertwined Medicare record. These notifications have been finalised. The OAIC also finalised one mandatory data breach notification received from the System Operator in the previous reporting period. More information is available in the OAIC’s *Annual report of the Information Commissioner’s activities in relation to eHealth 2014–15*.

### Case study: ‘Phishing’ attack targeting membership lists

The OAIC received notifications from two large membership-based organisations (a union and a professional association) whose membership lists had been taken as a result of targeted phishing attacks. The attacker sent an email to administrative staff at each organisation, requesting a copy of the organisation’s membership list. The emails appeared to come from each organisation’s CEO. The ‘from’ fields listed the relevant CEO’s email addresses, and the emails ended with authentic-looking signature blocks.

Working with the OAIC to respond to the incidents, both organisations notified all affected people so that they could take steps to mitigate any harm. The OAIC liaised with the Department of Communications, the publisher of *Stay Smart Online*, a website that provides alerts to the Australian community about current cyber threats. The OAIC and the Department of Communications collaborated to prepare a public alert to help reduce the chance of further successful phishing attacks of a similar nature.
Case study: Sending unencrypted records by post

A provider of medical practice management software was sent a copy of a medical practice client database for troubleshooting. The provider returned the database to its client on an unencrypted hard drive, and by a form of post that did not require signature on delivery or provide tracking of the package while in transit.

Although there was no evidence that the hard drive had been intercepted or the information compromised, the OAIC worked with the provider to improve its policies and practices when transmitting personal information. The new procedures the organisation put in place included:

- encrypting personal information in transit, and taking steps to check encryption before a device containing personal information is released from the organisation’s control
- sending personal information by registered post or by courier, to ensure that it is traceable in the event that it does not reach the intended recipient
- ensuring that its procedures were documented and that staff were familiar with the procedures
- providing appropriate training to staff to ensure that they are aware of their privacy obligations.

Data-matching

Monitoring government data-matching

Data-matching is the process of bringing together data sets from different sources (which contains personal information originally collected for a specific purpose), identifying data elements common to both data sets and using the ‘matched’ data for a secondary purpose. A number of government agencies conduct data-matching activities to detect non-compliance, fraud and to recover debts owed to the Commonwealth. An agency may match their own data with data obtained from other Australian Government agencies, state government agencies or private sector businesses. For example, the Australian Taxation Office (ATO) may undertake a matching exercise using data provided by a third party to identify individuals or businesses that may be operating outside the tax system or that may be under-reporting income or turnover.

Data-matching raises privacy risks because it involves analysing information about large numbers of people, the majority of whom are not under suspicion. The OAIC performs a number of functions to ensure that government agencies have proper regard to privacy requirements and adopt best privacy practice when undertaking data-matching activities.
The Information Commissioner has statutory responsibilities under the *Data-matching Program (Assistance and Tax) Act 1990* (Data-matching Act) and the *Guidelines for the Conduct of the Data-matching Program* (Statutory data-matching guidelines). Additionally, the Information Commissioner administers the *Guidelines on Data Matching in Australian Government Administration*, which are voluntary guidelines to assist agencies adopt appropriate privacy practices when undertaking data-matching activities that are not covered by the Data-matching Act.

**Matching under the Data-matching Act and Statutory data-matching guidelines**

The Data-matching Act authorises the use of TFNs in data-matching activities undertaken by a special Centrelink Program unit within the Department of Human Services (DHS). This unit runs matches on behalf of DHS, the Department of Veterans’ Affairs (DVA) and the ATO to detect overpayments, taxation non-compliance and the receipt of duplicate payments.

The Data-matching Act and the Statutory data-matching guidelines outline the types of personal information that can be used and how it can be processed. The Data-matching Act and guidelines also provide individuals with the opportunity to dispute or explain any matches, and require that individuals have a means of redress.

The Data-matching Act requires DHS, DVA and the ATO to report to Parliament on the results of any data-matching activities carried out under that Act. These reports are published separately by each agency.

The Statutory data-matching guidelines also outline the Information Commissioner’s responsibilities under the Data-matching Act, the Statutory data-matching guidelines and the Privacy Act. The OAIC discharges this function by conducting regular inspections of DHS’s data-matching review records. These records set out the actions taken by DHS in relation to a customer that has been identified for review as a result of a data-matching program. The OAIC inspects the records to assess DHS’s handling of data-match review information against its obligations under both the Data-matching Act and the Privacy Act.

**Inspections**

During 2014–15, the OAIC undertook three inspections of DHS’s data-matching review records. The inspections were undertaken at the following DHS premises:

- Surry Hills, NSW (July 2014)
- Queanbeyan, NSW (November 2014)
- Surry Hills, NSW (June 2015).

Each inspection reviewed a sample of one hundred data-matching review records. At the completion of each inspection, the OAIC prepared a report to the National Manager of the Business Integrity Division, DHS.
While the OAIC found that Centrelink’s processes and procedures for statutory data-matching were generally compliant with the requirements of the Data-matching Act and the Privacy Act, the OAIC identified some areas of risk and made recommendations to improve practices.

**Matching under the Guidelines on Data-Matching in Australian Government Administration**

Many Australian Government agencies also carry out data-matching activities that are not subject to the Data-matching Act, but which are run under different laws authorising the use and disclosure of personal information for data-matching purposes.

The Information Commissioner has issued voluntary data-matching guidelines called the *Guidelines on Data-Matching in Australian Government Administration* (Voluntary guidelines). The Voluntary guidelines are not mandatory but have been adopted voluntarily by a number of agencies.

The Voluntary guidelines set out a range of considerations for Australian Government agencies when undertaking data-matching activities. This includes giving public notice of any proposed data-matching program, regularly monitoring and evaluating the program, providing individuals with the opportunity to dispute matched information prior to taking administrative action, and destroying personal information obtained during the conduct of the program if it does not lead to a match.

Agencies are also required to prepare a description of the data-matching activity (a ‘program protocol’). Before the activity is commenced, the program protocol should be submitted to the Information Commissioner for comment, and once it has been finalised, the program protocol should be made available to the public.

In 2014–15, the Information Commissioner received thirteen program protocols for proposed data-matching activities by Australian Government agencies. A summary of these protocols is outlined below. Details about one of the program protocols provided to the OAIC has been kept confidential because publishing it would undermine the purpose of the program.

**Matching agency: ATO**

*Music Industry Royalty Payments Data-Matching Program (August 2014)*

The purpose of the protocol is to match taxpayer records with data relating to royalties paid to composers, song writers, lyricists, music publishers and mechanical copyright owners to detect non-compliance with taxation and superannuation obligations within the industry.

**Source entities:**

- Australasian Performing Right Association (APRA)
- Australasian Mechanical Copyright Owners Society (AMCOS)
- APRA New Zealand Limited
- AMCOS New Zealand Limited
Banking Transparency Strategy Data-Matching Program (August 2014)
The purpose of the protocol is to match offshore bank account details against taxpayer records to identify Australian residents utilising offshore bank accounts to conceal income and assets subject to tax in Australia.

Source entities:
- ANZ Banking Group Limited
- Bank of China (Australia) Limited
- Bank of China Limited
- Credit Suisse AG
- Deutsche Bank Aktiengesellschaft
- HSBC Bank Australia Limited
- HSBC Limited
- Investec Bank (Australia) Limited
- Macquarie Bank Limited
- Rabbobank Australia Limited
- Rabbobank Nederland
- UBS AG
- Citibank, N.A.
- Citigroup Pty Limited.

Taxable Government Grants and Payments Data-Matching Program (August 2014)
The purpose of the protocol is to match taxable government and grants data provided by federal, state and territory government agencies and local government authorities against the ATO’s records to identify non-compliance with taxation obligations.

Source entities: Federal, state and territory government departments and agencies and local government authorities.

Specialised Payment Systems Data Matching Program (October 2014)
The purpose of the protocol is to match electronic payment data from merchants that provide online, mobile or automated payment facilities against taxpayer records to identify individuals and businesses that may not be meeting their registration, reporting, lodgement and/or payment obligations.

Source entities:
- Ausfit Pty Ltd
- ANZ (BPAY data)
- Bill Buddy Pty Ltd
- Commonwealth Bank of Australia (BPAY data)
- Debitsuccess Pty Ltd
• eDebit Pty Ltd
• Ezidebit Pty Ltd
• Ezypay Pty Ltd
• FFA Paysmart Pty Ltd
• Integrapay Pty Ltd
• IP Payments Pty Ltd
• National Australia Bank Limited (BPAY data)
• Flexi Online Pty Ltd (T/A Paymate)
• PayPal Australia Pty Ltd
• POLi Payments Pty Ltd
• Quickpay Pty Ltd
• St George Bank (BPAY data)
• Westpac Banking Corporation (BPAY data).

Share Transactions Data-Matching Program (October 2014)
The purpose of the protocol is to match share transaction data against the ATO’s taxpayer records to assist taxpayers to comply with their Capital Gains Tax obligations and identify taxpayers that may not be meeting their reporting, lodgement and/or payment obligations.

Source entities:
• Link Market Services Limited
• Computershare Limited
• Australian Securities Exchange Limited
• Boardroom Pty Ltd
• Advanced Share Registry Services Pty Ltd
• Security Transfer Registrars Pty Ltd.

Motor Vehicle Registries Data-Matching Program (November 2014)
The purpose of the protocol is to match vehicle transfer and registration data from state and territory motor vehicle registering authorities against the ATO’s records to identify taxpayers who may not be meeting their taxation obligations.

Source agencies:
• Office of Regulatory Services (ACT)
• Justice and Community Safety Directorate (ACT)
• Roads and Maritime Services (NSW)
• Department of Lands and Planning (NT)
• Department of Transport and Main Roads (QLD)
• Department of Planning, Transport and Infrastructure (SA)
• Department of State Growth Resources — Registration and Licencing Branch (TAS)
• VicRoads Licencing and Registrations Operations (VIC)
• Department of Transport (WA)

**Contractor Payments Data-Matching Program (February 2015)**
The purpose of the protocol is to match contractor payment data collected from businesses as part of the ATO’s employer obligations compliance activities to identify taxpayers that may not be meeting their taxation obligations.

Source entity: Data will be obtained from businesses that are subject to compliance activities conducted by the ATO. Secrecy and confidentiality provisions in the *Taxation Administration Act 1953* preclude the ATO from identifying these businesses.

**Online Selling Data-Matching Program (April 2015)**
The purpose of the protocol is to match online sales data from the 2013–14 financial year with taxpayer records to identify taxpayers who did not correctly report their income.

Source entity: eBay Australia and New Zealand Pty Ltd.

**Foreign Investment Review Board Data-Matching Program (May 2015)**
The purpose of the protocol is to match ATO data with details of all applications made to the Foreign Investment Review Board for the period 1 July 2010 to 30 June 2016 to identify foreign investors in Australian residential and agricultural land that may not be complying with their taxation obligations.

Source agency: Foreign Investment Review Board

**Matching agency: DHS**

**DHS Commonwealth Seniors Health Card Data Matching with the ATO (July 2014)**
The purpose of the protocol is to match customers in receipt of the Commonwealth Seniors Health Card (CSHC) against income tax return data provided by the ATO to assess individuals’ ongoing eligibility for the CSHC.

Source agency: ATO.

**DHS Matching between Centrelink and DIBP (December 2014)**
The purpose of the protocol is to match Centrelink and DIBP data to identify individuals who have incorrectly declared their relationship status to Centrelink and who may be involved in migration fraud through DIBP’s partner visa programme.

Source agency: DIBP
Matching Australian Securities and Investments Commission and ATO Data with the DHS Customer Records (February 2015)

The purpose of the protocol is to match Centrelink, Australian Securities and Investment Commission (ASIC) and ATO data to identify customers who have not correctly disclosed their interests in private companies to Centrelink.

Source agencies: ASIC and ATO.

Assessments

Section 33C of the Privacy Act provides the Information Commissioner with the power to conduct privacy assessments of Australian Government agencies and private sector organisations in relation to:

- the Australian Privacy Principles — s 33C(1)(a)(i)
- a registered APP code — s 33C(1)(a)(ii)
- credit information files and credit reports held by credit reporting agencies and credit providers — s 33C(1)(b)
- TFN recipients — s 33C(1)(c)
- data matching programs — s 33C(1)(d)
- claims information associated with the Medicare Benefits Scheme and the Pharmaceutical Benefits Scheme — s 33C(1)(e).

Additionally, the Information Commissioner has a number of monitoring functions set out in s 28A of the Privacy Act. The Information Commissioner also has the power under s 309 of the Telecommunications Act 1997 (Telecommunications Act) to monitor compliance with certain record keeping requirements of telecommunications organisations.

An assessment is a snapshot of the personal information handling practices of an entity at a particular time and place. Entities are encouraged to consider assessment findings broadly and recognise that the issues identified may foster improvements beyond the particular aspect of their business operations subject to the assessment.

OAIC assessments are educative processes that aim to facilitate legal and best practice compliance by identifying and making recommendations to address privacy risks or any areas of non-compliance. Assessments have been the catalyst for improvements to entities’ data security, accuracy of information, staff training and disclosure policies.

The OAIC generally publishes finalised assessment reports on its website. All or part of an assessment report may be withheld from publication due to statutory secrecy provisions, privacy, confidentiality, security or privilege.

In 2014–15, the OAIC worked on 19 assessments involving 101 entities. The OAIC commenced 12 assessments under the Privacy Act and related Acts and finalised 12 assessments. Note that some of these assessments were opened in the previous financial year and some assessments were ongoing at 30 June 2015.
Using the OAIC’s inspection powers under s 309 of the Telecommunications Act for the first time in a number of years, the OAIC commenced an inspection of the record keeping requirements of four major telecommunications providers.

Table 6.13 Assessments conducted in 2014–15

<table>
<thead>
<tr>
<th>Assessment subject</th>
<th>No. entities assessed</th>
<th>Year opened</th>
<th>Date closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ACT Justice and Community Safety Portfolio</td>
<td>7</td>
<td>2014–15</td>
<td>Apr 2015</td>
</tr>
<tr>
<td>2 Document Verification Service (DVS) (ATO)</td>
<td>1</td>
<td>2012–13</td>
<td>Sep 2014</td>
</tr>
<tr>
<td>3 DVS (DHS Medicare)</td>
<td>1</td>
<td>2013–14</td>
<td>Oct 2014</td>
</tr>
<tr>
<td>4 DVS (Australian Financial Security Authority)</td>
<td>1</td>
<td>2014–15</td>
<td>Nov 2014</td>
</tr>
<tr>
<td>5 Passenger name record (PNR) (Melbourne Airport)</td>
<td>1</td>
<td>2013–14</td>
<td>Jan 2015</td>
</tr>
<tr>
<td>6 PNR (New administrative arrangements)</td>
<td>1</td>
<td>2014–15</td>
<td>Ongoing</td>
</tr>
<tr>
<td>7 Online privacy policies — APP 1</td>
<td>20</td>
<td>2014–15</td>
<td>Apr 2015</td>
</tr>
<tr>
<td>8 Telecommunications providers’ privacy policies — APP 1</td>
<td>4</td>
<td>2014–15</td>
<td>Apr 2015</td>
</tr>
<tr>
<td>9 Telstra — ss 306 and 306A of the Telecommunications Act</td>
<td>1</td>
<td>2014–15</td>
<td>Ongoing</td>
</tr>
<tr>
<td>10 Optus — ss 306 and 306A of the Telecommunications Act</td>
<td>1</td>
<td>2014–15</td>
<td>Ongoing</td>
</tr>
<tr>
<td>11 Vodafone — ss 306 and 306A of the Telecommunications Act</td>
<td>1</td>
<td>2014–15</td>
<td>Ongoing</td>
</tr>
<tr>
<td>12 iiNet — ss 306 and 306A of the Telecommunications Act</td>
<td>1</td>
<td>2014–15</td>
<td>Ongoing</td>
</tr>
<tr>
<td>13 PCEHR System Operator — IPP 1, 2 and 3</td>
<td>1</td>
<td>2012–13</td>
<td>Aug 2014</td>
</tr>
<tr>
<td>14 National repositories service — IPP 4</td>
<td>1</td>
<td>2013–14</td>
<td>Dec 2014</td>
</tr>
<tr>
<td>15 PCEHR system: Assisted registration policies</td>
<td>10</td>
<td>2013–14</td>
<td>Dec 2014</td>
</tr>
<tr>
<td>16 PCEHR system: Western Sydney Medicare Local</td>
<td>1</td>
<td>2013–14</td>
<td>Aug 2014</td>
</tr>
<tr>
<td>17 PCEHR system: St Vincent’s Hospital Sydney — APP 11</td>
<td>1</td>
<td>2014–15</td>
<td>June 2015</td>
</tr>
<tr>
<td>18 PCEHR system: Access controls of GP clinics — APP 11</td>
<td>7</td>
<td>2014–15</td>
<td>Ongoing</td>
</tr>
<tr>
<td>19 PCEHR system: Privacy policies of GP clinics — APP 1</td>
<td>40</td>
<td>2014–15</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
ACT Government assessments

The OAIC has a memorandum of understanding (MOU) with the ACT Government, which includes a commitment by the OAIC to conduct one assessment of an ACT public sector agency per financial year. In accordance with the OAIC’s Privacy regulatory action policy, the OAIC selects assessment targets by conducting a risk assessment that takes into account factors including previous assessments and assessment findings, complaints data about ACT public sector agencies, the amount of personal information held by an agency and the sensitivity of, and risks to, that information.

On 1 September 2014, the Information Privacy Act 2014 (ACT) (Information Privacy Act) replaced the Privacy Act for ACT public sector agencies. The Information Privacy Act introduced 13 Territory Privacy Principles (TPPs), which govern the collection, use, storage and disclosure of personal information by ACT public sector agencies, and an individual’s access to and correction of that information.

In 2014–15, the OAIC finalised one ACT Government assessment.

ACT Justice and Community Safety Portfolio

The OAIC finalised an assessment of the online privacy policies of agencies within the ACT Government’s Justice and Community Safety portfolio. This assessment was the first to be undertaken against the requirements of the TPPs and examined the online privacy policies of seven agencies in the portfolio. The OAIC assessed each privacy policy against specific criteria drawn from TPP 1, which deals with the open and transparent management of personal information. The assessment was conducted as a desktop review in November 2014 and the assessment report was finalised and published on the OAIC website in April 2015.

Identity security assessments

The Document Verification Service (DVS) allows authorised government agencies and specific organisations (that is, DVS ‘users’) to verify, online and in real time, the authenticity of an individual’s Evidence of Identity (EOI) documents sourced from another government agency (that is, DVS ‘issuers’). Agencies using the DVS are able to verify that:

- the EOI document was issued by the relevant source government agency
- details recorded on the EOI document correspond to the details held by the source government agency
- the document is still valid.

The lead responsibility for the development of the DVS rests with the Attorney-General’s Department (AGD). The OAIC provides advice and considers privacy issues that arise from the implementation and operation of the DVS in consultation with AGD. This includes conducting assessments of certain aspects of the DVS.

In 2014–15, the OAIC finalised two DVS assessments that were commenced in previous years and commenced another identity security assessment of the DVS.
**Australian Taxation Office**

The OAIC finalised an assessment of the ATO’s use of the DVS system, to ensure the accuracy and completeness of personal information. The assessment fieldwork was undertaken in July 2013 and the report was finalised in September 2014.

**DHS (Medicare)**

The OAIC finalised an assessment of security issues and the collection of personal information by the DHS (Medicare) in its role as a DVS issuer agency, and with regard to its obligations under the APPs. The assessment fieldwork was undertaken in March 2014 and the report was finalised in October 2014.

**Australian Financial Security Authority**

The OAIC completed an assessment of the Australian Financial Security Authority’s (AFSA) handling of personal information as a user agency of the DVS. The OAIC examined AFSA’s collection of DVS-related personal information in accordance with APP 3.1, notification to individuals as required by APP 5, and security of personal information in line with APP 11. The assessment fieldwork was undertaken in August 2014 and the report was finalised and published on the OAIC website in November 2014.

**Australian Customs and Border Protection assessments**

The OAIC has an MOU with the Australian Customs and Border Protection Service (ACBPS) to conduct one assessment each year of an aspect of ACBPS’s handling of PNR data. The MOU refers to the oversight and accountability functions of the OAIC contained in Article 10 of the *Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record data by Air Carriers to the Australian Customs and Border Protection Service* (EU Agreement). The EU Agreement provides for the processing and transfer of PNR data to ACBPS from airlines that store data in the European Union (EU).

The OAIC’s assessments focus on ACBPS’s handling of EU PNR data against the requirements of the APPs.

In 2014–15, the OAIC finalised one PNR assessment that was commenced in the 2013–14 financial year. The OAIC also commenced an assessment that was ongoing at 30 June 2015.

**PNR: Melbourne Airport Operations**

The assessment examined how ACBPS’s Melbourne International Airport Operations Room handled PNR data (including data sourced from the EU) in accordance with its security obligations under APP 11. The assessment fieldwork was undertaken in May 2014 and the final report was issued in January 2015. At the request of ACBPS, the finalised assessment report was not published on the OAIC’s website due to the operational sensitivity of its content.
**PNR: New administrative arrangements**

The OAIC commenced an assessment of ACBPS’s new administrative arrangements for the handling of PNR data against its use, disclosure and security obligations contained in APP 6 and APP 11 respectively. The assessment focused on the impact of structural changes and the creation of the Australian Border Force on ACBPS’s handling of EU PNR data. The assessment fieldwork was undertaken in early June 2015.

**Other assessments**

In March 2014, reforms to the Privacy Act introduced expanded powers for the Information Commissioner to undertake assessments of private sector organisations as well as Australian Government agencies. Prior to the reforms, the Information Commissioner could only undertake an assessment (or audit as it was then known) of a private sector organisation covered by the consumer credit reporting provisions in Part IIIA of the Privacy Act, or if requested by an organisation. In 2014–15, the OAIC conducted two assessments involving private sector organisations.

**Online privacy policies: APP 1**

The OAIC completed an assessment of the online privacy policies of 20 APP entities. The entities were drawn from a variety of sectors including finance, government and social media. Each entity’s privacy policy was assessed against specific criteria drawn from APP 1, which deals with the open and transparent management of personal information. The assessment was undertaken in February 2015 and finalised in April 2015. A summary of the assessment, outlining the key findings, was published on the OAIC website.

**Telecommunication providers**

The OAIC commenced assessments/inspections in relation to four of the major telecommunication organisations in Australia (Telstra, Vodafone, Optus and iiNet). Given the large amounts of personal information handled by those organisations, and also the Australian Government’s proposal to introduce mandatory retention of ‘metadata’ for law-enforcement purposes, a focus on privacy issues relevant to the telecommunications industry was considered appropriate. The OAIC undertook the following two stage process:

- Completed an assessment under s 33C of the Privacy Act of each organisation’s online privacy policy against specific criteria drawn from APP 1. The assessment was undertaken in December 2014 and finalised in April 2015.
- Conducted an inspection of records of disclosures that telecommunication providers are required to keep under ss 306 and 306A of the Telecommunications Act. The OAIC inspected the records held by each organisation in March 2015 and the report was ongoing as at 30 June 2015.

**eHealth assessments**

The PCEHR Act establishes the PCEHR system. The PCEHR System Operator is currently the Secretary of the Department of Health. The OAIC has various enforcement and investigative powers in respect of the PCEHR system, under both the PCEHR Act and the Privacy Act.
The *Healthcare Identifiers Act 2010* (HI Act) established the Healthcare Identifier Service (HI service), which commenced on 1 July 2010. The HI service is part of DHS. Under s 29(3) of the HI Act, the Information Commissioner has the power to audit the handling of healthcare identifiers assigned to individuals and individual healthcare providers.

**PCEHR system: PCEHR System Operator assessments**

The OAIC completed two assessments of the PCEHR System Operator which commenced in previous reporting periods.

The first assessment, which commenced in May 2013, considered the System Operator’s policies and procedures for the collection of personal information during the PCEHR consumer registration process. The purpose was to assess whether the System Operator’s policies and procedures were consistent with its obligations under IPPs 1–3. This assessment was closed in August 2014 and the report was published.

The second assessment examined the storage and security of personal information held in the National Repositories Service (NRS). The objective of the assessment was to consider whether the System Operator had taken reasonable steps to protect personal information held in the NRS from loss, unauthorised access, use, modification or disclosure or other misuse. The assessment was finalised in December 2014 and the report was published.

**PCEHR system: Assisted registration policies assessment**

This assessment reviewed the assisted registration policies of ten healthcare provider organisations undertaking assisted registration. Under the *PCEHR (Assisted Registration) Rules 2012* (Cth), healthcare provider organisations are permitted to provide services to assist consumers to register for an eHealth record. These organisations are required to have policies in place setting out certain matters relating to the conduct of assisted registration, including the authorisation and training of employees, recording of consumer consent and processes for consumer identification.

The assessment considered how these policies addressed the privacy obligations set out in APPs 3 and 11, relating to the collection and security of personal information. The assessment commenced in February 2014. This assessment was finalised in December 2014 and the report was published.

**PCEHR system: Western Sydney Medicare Local assessment**

This assessment considered Western Sydney Medicare Local’s (WSML) assisted registration practices. The objective of this assessment was to assess the extent to which WSML, in the course of conducting assisted registration, handled personal information in accordance with APP 3 (collection), APP 5 (notice of collection) and APP 11 (security of personal information). The assessment commenced in March 2014. This assessment was finalised in August 2014 and the report was published.
PCEHR System: Access controls
The OAIC commenced two assessments of the access controls applied by health care provider organisations relating to access by their staff to the eHealth system. One assessment was of a single major healthcare provider, St Vincent’s Hospital Sydney Limited, which was finalised in June 2015 and the report was published. The other assessment is of seven general practice (GP) clinics and was still in progress as at 30 June 2015.

PCEHR System and HI Service: Privacy policies
The OAIC commenced an assessment of privacy policies of 40 GP clinics selected at random (other than ensuring half of the clinics were, or form part of, GP super clinics and that all Australia’s states and territories were represented). The assessment included consideration of whether the policies reflected the clinics’ use of the eHealth system and individual HIs. This assessment was in progress as at 30 June 2015.
Part C
Promote and secure open government
Chapter Seven

Freedom of information policy and compliance

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Chapter Seven
Freedom of information policy and compliance

Overview

In 2014–15, the Office of the Australian Information Commissioner (OAIC) undertook a range of activities in accordance with its statutory responsibilities under the Freedom of Information Act 1982 (Cth) (FOI Act) — conducting Information Commissioner reviews (IC reviews) and handling freedom of information (FOI) complaints, monitoring compliance with the FOI Act by agencies and ministers, and providing policy advice and guidance.

The OAIC finalised 482 applications for IC review, 64 FOI complaints, 4384 extension of time requests and notifications, and responded to 1900 enquiries.

During 2014–15, the OAIC significantly reduced the backlog of IC reviews and complaints that existed at the start of the reporting year. The OAIC implemented a streamlined IC review process focused on early resolution. At the beginning of 2014–15, the oldest un-actioned IC review application was 206 days old; at the end of the year, the oldest such matter was 40 days old. The OAIC published 128 IC review decisions and undertook one own motion investigation (OMI) into the FOI practices of the Department of Human Services (DHS).

The OAIC also provided a range of advice on FOI matters and updated eight of the 15 parts of the Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982 (FOI guidelines).

On 13 May 2014, the Australian Government announced as part of the 2014–15 Budget that the OAIC would be disbanded from 31 December 2014. The OAIC’s FOI functions would be exercised by the Attorney-General’s Department (AGD) (FOI guidelines and annual reporting), the Administrative Appeals Tribunal (AAT) (FOI merits review functions) and the Commonwealth Ombudsman (FOI complaint handling).

As of 30 June 2015, the legislation to effect this change had not been enacted. The OAIC therefore undertook a full year of FOI functions, other than handling complaints, which have been handled by the Commonwealth Ombudsman since 1 November 2014, and FOI policy activities, which are currently undertaken by AGD.
Responding to FOI enquiries

The OAIC Enquiries line (1300 363 992) provides general information about FOI issues and the OAIC’s IC review function for the cost of a local call. The OAIC’s enquiries team also responds to written enquiries, and assists enquirers that present to the office in person.

The OAIC is committed to responding to 90% of written enquiries within 10 working days. This benchmark was met in 2014–15, with 91% of FOI-related written enquiries responded to within 10 working days.

Table 7.1 OAIC FOI enquiries received over the last three years

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Phone</td>
<td>1847</td>
<td>1316</td>
<td>1411</td>
</tr>
<tr>
<td>Written</td>
<td>602</td>
<td>587</td>
<td>484</td>
</tr>
<tr>
<td>In person</td>
<td>3</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2452</strong></td>
<td><strong>1908</strong></td>
<td><strong>1900</strong></td>
</tr>
</tbody>
</table>

Table 7.2 provides a breakdown of the types of enquiries made to the OAIC during 2014–15. Approximately 81% of all enquiries about FOI matters related to general processes for FOI applicants, including how to make an FOI request or complaint, or seek review of a decision. The total number of enquiries in Table 7.2 exceeds the total number of enquiries reported in Table 7.1 because an enquiry can raise more than one issue.

Table 7.2 Breakdown of issues in FOI enquiries received

<table>
<thead>
<tr>
<th>Issue</th>
<th>Number of enquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>910</td>
</tr>
<tr>
<td>General processes</td>
<td>845</td>
</tr>
<tr>
<td>Processing by agency</td>
<td>159</td>
</tr>
<tr>
<td>Agency statistics</td>
<td>66</td>
</tr>
<tr>
<td>Access to general information</td>
<td>24</td>
</tr>
<tr>
<td>Access to personal information</td>
<td>18</td>
</tr>
<tr>
<td>Information Publication Scheme</td>
<td>6</td>
</tr>
<tr>
<td>Amendment and annotation</td>
<td>3</td>
</tr>
<tr>
<td>Vexatious application</td>
<td>2</td>
</tr>
</tbody>
</table>
Reviewing FOI decisions

The FOI Act provides that an FOI applicant who disagrees with an FOI decision made by an agency can apply directly to the Australian Information Commissioner (Information Commissioner) as an alternative to, or after, internal review by the agency. The Information Commissioner can review decisions made by agencies and ministers under the FOI Act, including decisions:

- refusing to grant access to documents wholly or in part
- that requested documents do not exist or cannot be found
- granting access to documents, where a third party has a right to object (for example, if a document contains their personal information)
- about charges imposed in relation to access requests, including decisions refusing to waive or reduce charges
- refusing to amend or annotate records of personal information.

An IC review provides a simple, practical and cost-efficient system of external merits review. The Information Commissioner does not simply consider the reasons given by the agency or minister, but determines the correct or preferable decision in all the circumstances. Information about the OAIC IC review process is available on its website.

In determining an IC review application, the Information Commissioner has the power to affirm, vary or set aside the decision under review. The full text of each IC review decision is available on the OAIC website and on the Australasian Legal Information Institute (AustLII) website: www.austlii.edu.au.

Most applications for review are finalised without a formal decision by the Information Commissioner. IC review applications are often resolved by agreement, for example, where the applicant chooses to withdraw their IC review application because the agency has addressed the applicant’s concern by releasing information or providing a better explanation of its decision.

In 2014–15, the OAIC received 373 applications for IC review (down 28.6% on 2013–14). The OAIC closed 482 IC reviews in 2014–15 (down 25.4%).

Table 7.3 IC reviews received and closed by the OAIC

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Received</td>
<td>507</td>
<td>524</td>
<td>373</td>
</tr>
<tr>
<td>Closed</td>
<td>419</td>
<td>646</td>
<td>482</td>
</tr>
</tbody>
</table>
Table 7.4 shows the outcome for all IC reviews finalised in 2014–15. The OAIC concluded 128 (26.6%) IC reviews through published decisions.

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>s 54N — out of jurisdiction or invalid</td>
<td>66</td>
<td>59</td>
<td>37</td>
</tr>
<tr>
<td>s 54R — withdrawn</td>
<td>95</td>
<td>111</td>
<td>59</td>
</tr>
<tr>
<td>s 54R — withdrawn/conciliated</td>
<td>13</td>
<td>71</td>
<td>51</td>
</tr>
<tr>
<td>s 54W(a) — deemed acceptance of preliminary view or appraisal</td>
<td>2</td>
<td>27</td>
<td>26</td>
</tr>
<tr>
<td>s 54W(a)(i) — frivolous, vexatious, misconceived, lacking in substance, or not in good faith</td>
<td>86</td>
<td>170</td>
<td>87</td>
</tr>
<tr>
<td>s 54W(a)(ii) — failure to cooperate</td>
<td>33</td>
<td>62</td>
<td>19</td>
</tr>
<tr>
<td>s 54W(a)(iii) — lost contact</td>
<td>9</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>s 54W(b) — refer to AAT</td>
<td>17</td>
<td>41</td>
<td>61</td>
</tr>
<tr>
<td>s 54W(c) — failure to comply with direction</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>s 55F — set aside by agreement</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>s 55F — varied by agreement</td>
<td>0</td>
<td>1</td>
<td>2</td>
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<tr>
<td>s 55F — affirmed by agreement</td>
<td>0</td>
<td>1</td>
<td>2</td>
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<tr>
<td>s 55G — substituted</td>
<td>7</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>s 55K — affirmed by IC</td>
<td>58</td>
<td>40</td>
<td>53</td>
</tr>
<tr>
<td>s 55K — set aside by IC</td>
<td>28</td>
<td>53</td>
<td>52</td>
</tr>
<tr>
<td>s 55K — varied by IC</td>
<td>3</td>
<td>5</td>
<td>23</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>419</strong></td>
<td><strong>646</strong></td>
<td><strong>482</strong></td>
</tr>
</tbody>
</table>

The OAIC encourages resolution of IC reviews by agreement between the parties where possible. In 2014–15, three matters were finalised by agreement under s 55F (by way of written agreement between all parties to the IC review) and 69 IC reviews were finalised after the applicant withdrew their request for IC review, following action taken by the agency to resolve the applicant’s concerns (such as by releasing information informally).

One of the OAIC’s deliverables (see Chapter Two: Organisation overview) is to finalise 80% of all IC review applications within 12 months of receipt. In 2014–15, 71.2% of matters received were finalised within 12 months of receipt.

In 2014–15, the OAIC continued to streamline its processes for handling IC reviews to address historic delays and a backlog of matters on hand. On average, the OAIC finalised matters that were received in 2014–15 within three months of receipt. The OAIC also finalised a large number of matters that were the result of pre-existing backlogs.
This is reflected in the statistics in Table 7.5, which shows that the OAIC finalised a large proportion of matters that were more than 12 months old, reflecting an overall reduction in the number of matters on hand and a reduction in the age profile of IC reviews.

Table 7.5 Time taken to close IC reviews

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0–6</td>
<td>167</td>
<td>269</td>
<td>244</td>
</tr>
<tr>
<td>6–12</td>
<td>122</td>
<td>193</td>
<td>99</td>
</tr>
<tr>
<td>12+</td>
<td>130</td>
<td>184</td>
<td>139</td>
</tr>
<tr>
<td>Total</td>
<td>419</td>
<td>646</td>
<td>482</td>
</tr>
</tbody>
</table>

**FOI complaints and investigations**

One of the Information Commissioner’s functions is to investigate agency actions relating to the handling of FOI matters. Following the Australian Government’s decision to abolish the OAIC and the associated reduction in the OAIC’s resources, the Commonwealth Ombudsman has handled FOI complaints since 1 November 2014.

In 2014–15, the OAIC received 31 FOI complaints, compared with 77 in 2013–14. This reflects the change in approach from November 2014. The OAIC finalised 64 complaints in 2014–15, and has no open FOI complaints.

Table 7.6 FOI complaints received and finalised

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>Received</td>
<td>148</td>
<td>77</td>
<td>31</td>
</tr>
<tr>
<td>Closed</td>
<td>149</td>
<td>119</td>
<td>64</td>
</tr>
</tbody>
</table>

**Own motion investigations**

The Information Commissioner may undertake an FOI OMI, which may consider a single agency action or a systemic or recurring issue in an agency’s FOI practices and processes.

On 17 December 2014, the Information Commissioner released an investigation report into FOI processing at DHS.

The investigation was opened in October 2014 in response to negative trends identified in DHS processing of FOI requests between 2011–12 and 2013–14. DHS had increased its use of the ‘practical refusal’ mechanism in the FOI Act from 33 occasions in 2011–12, to 777 occasions in 2013–14. There was also a decline in the number of FOI requests to which DHS gave access to documents in full, from 58% of requests in 2011–12 to 26% in 2013–14.
The Information Commissioner’s investigation made 13 recommendations to:

- promote a pro-disclosure culture
- simplify the FOI experience for customers
- improve administration of the practical refusal process.

DHS advised that it would implement each of the report’s 13 recommendations. The OAIC acknowledges the positive approach taken by DHS during the investigation and in committing to implement the recommendations.

**Extensions of time**

The FOI Act sets out timeframes within which agencies and ministers must process FOI requests. If a decision on a request is not made within the statutory timeframe, the agency or minister is deemed to have made a decision refusing the request and the FOI applicant can apply for IC review of that deemed decision.

The FOI Act also provides that an FOI charge cannot be imposed if a decision is not reached within the statutory timeframe. An applicant can agree in writing to extend the timeframe for a further 30 days. The Information Commissioner must be notified of any such agreement.

The Information Commissioner can grant an extension of time to enable an agency or minister to process a complex or voluminous FOI request, or when there was a deemed decision to refuse a request for documents or to amend or annotate a personal record. An extension granted after a deemed decision can provide a supervised timeframe for an agency or minister to finalise the request.

The Information Commissioner can also grant an extension of time to apply for IC review of an access refusal or access grant decision. The time limit for applying for IC review is 60 days for access refusal decisions and 30 days for access grant decisions.

In 2014–15, the OAIC received 4393 extension of time requests, compared with 2437 in 2013–14. The OAIC finalised 4384 extension of time requests in 2014–15.

**Table 7.7 Extension of time requests**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>2271</td>
<td>2437</td>
<td>4393</td>
</tr>
<tr>
<td>Closed</td>
<td>2290</td>
<td>2456</td>
<td>4384</td>
</tr>
</tbody>
</table>

Table 7.8 shows the number of notifications and extension of time requests finalised in 2014–15, and the outcomes for these. The OAIC endeavours to respond to extension of time requests from agencies within five working days. This is being achieved in most cases and is aided by good communication by agencies with the OAIC and applicants.
### Table 7.8 Notifications and extension of time requests finalised

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>s 15AA</td>
<td>1527</td>
<td>1898</td>
<td>3900</td>
</tr>
<tr>
<td>s 15AB</td>
<td>386</td>
<td>362</td>
<td>249</td>
</tr>
<tr>
<td>s 15AC</td>
<td>286</td>
<td>132</td>
<td>177</td>
</tr>
<tr>
<td>s 54B</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>s 54D</td>
<td>54</td>
<td>31</td>
<td>33</td>
</tr>
<tr>
<td>s 54T</td>
<td>37</td>
<td>32</td>
<td>25</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2290</strong></td>
<td><strong>2457</strong></td>
<td><strong>4384</strong></td>
</tr>
</tbody>
</table>

**Key:**
- s 15AA — notification of agreement between agency and applicant to extend time
- s 15AB — extension of time for complex or voluminous request
- s 15AC — extension of time where deemed refusal of FOI request
- s 54B — extension of time for internal review request
- s 54D — extension of time where deemed affirmation of original decision on internal review
- s 54T — extension of time for person to apply for IC review.

The extension of time provisions are an important feature of the FOI Act. They encourage less formal and more interactive engagement between agencies and applicants about the scope of FOI requests and the expected processing times. The notification process required under s 15AA ensures that agencies have generally given realistic consideration to the reasons for delay before seeking an extension of time.

In deciding whether to grant an extension, the OAIC considers the impact that this might have on an applicant. However, while this can be a consideration it is not determinative.

### Vexatious applicant declaration requests

The Information Commissioner has the power to declare a person to be a vexatious applicant if satisfied that the grounds set out in s 89L of the FOI Act exist. An agency or minister can apply to the Information Commissioner to make a declaration or the Information Commissioner can act on his own motion. A vexatious applicant declaration is not an action that the Information Commissioner will undertake lightly, but its use may be appropriate at times. A declaration by the Information Commissioner can be reviewed by the AAT.

During 2014–15, the Information Commissioner received two applications from agencies, under s 89K, seeking to have a person declared a vexatious applicant. Three applications were finalised in 2014–15: two declarations were made under s 89K and one application was refused.

These declarations are also published on the AustLII website as part of the Australian Information Commissioner (AICmr) series.
Information Publication Scheme

Part II of the FOI Act establishes the Information Publication Scheme (IPS), which requires agencies to publish a broad range of information on their website, including an information publication plan showing how the agency proposes to comply with the IPS.

The OAIC has published guidance material to help agencies review their compliance with the IPS, and advice about how to structure IPS information on agency websites.

In 2014–15, the OAIC also began planning the delivery of the next phase of the 2011–16 IPS compliance review. Under s 9 of the FOI Act, agencies must, in conjunction with the Information Commissioner, complete a review of the operation in the agency of the IPS every five years. In line with this requirement, the OAIC previously published an IPS self-assessment tool and carried out a major survey of agencies about their compliance with IPS obligations. A second survey was scheduled for 2015. However, with the Australian Government’s Budget announcement that the OAIC would be disbanded, planning for the survey was discontinued.

Disclosure log

All Australian Government ministers and agencies that are subject to the FOI Act are required to publish an FOI disclosure log on their websites. The disclosure log lists information that has been released in response to a request under the FOI Act. There are some exceptions to this requirement, for example, agencies are not required to place on the disclosure log information about any person if publication of that information would be unreasonable.

In 2014–15, the Information Commissioner assisted agencies, ministers and the public to understand the disclosure log requirements by updating the FOI guidelines, and by providing written and verbal responses to requests for information and advice.

Under s 11C(2) of the FOI Act, the Information Commissioner can determine that the disclosure log requirement does not apply to specific kinds of information.

Assisting agencies

One of the OAIC’s important roles is to assist agencies that are subject to the FOI Act to comply with their obligations under that Act.

As a specialist FOI regulator, the OAIC has been uniquely able to develop a consistent jurisprudence that is informed by the pro-disclosure objects of the FOI Act and by the practical realities of FOI processing. The OAIC brings this practical approach to its decision making and to its role in assisting agencies to meet their obligations under the FOI Act. This approach is exemplified by four IC reviews decided during the reporting period.
Rita Lahoud and Department of Education and Training

In Rita Lahoud and Department of Education and Training [2015] AICmr 41 (16 June 2015), the issue for the Privacy Commissioner’s consideration was whether a practical refusal reason existed. The Privacy Commissioner’s decision considered:

- the request consultation process
- the Department of Education and Training’s (DET) calculation of processing time, including sample based calculations
- the onus an agency or Minister has under s 55D of the FOI Act of establishing that its decision is justified.

During the course of the IC review, DET undertook sampling, which indicated that the time it would take to process the request would be approximately half that which it had originally calculated. On the basis of the discrepancy between DET’s decision and the sample estimate, and absent any submissions directed to the results of the sampling, the Privacy Commissioner decided that DET had not discharged its onus under s 55D. The Privacy Commissioner set aside DET’s decision and in substitution, directed that DET must process the request and notify the applicant of its decision no later than 30 days after it receives the decision.

‘FG’ and National Archives of Australia

In ‘FG’ and National Archives of Australia [2015] AICmr 26 (13 April 2015), the main issue for the Information Commissioner’s consideration was whether it would be unreasonable to disclose information that would identify a person who requested records that were within the ‘open access period’ for the purposes of the Archives Act 1983.

The Information Commissioner affirmed the internal review decision of the National Archives of Australia to refuse access to such information. The Information Commissioner’s decision explored the factors that may be taken into account in deciding whether disclosure of personal information in a document would be unreasonable under s 47F and in determining whether disclosure would be contrary to the public interest test. In particular, the Information Commissioner highlighted at paragraph [2] that:

- In deciding whether disclosure of personal information in a document would be unreasonable under s 47F, an agency may take into account any submission an FOI applicant chooses to make in support of their application as to their reasons for seeking access and their intended or likely use and dissemination of the information.
- An agency may also take into account that the FOI Act does not limit or restrain the further dissemination of that information by the applicant. However, it is incorrect to proceed from the premise that disclosure under the FOI Act is tantamount to ‘disclosure to the world at large’, or that a document released to an FOI applicant will be available to any person who makes a request for that information in accordance with FOI Act procedures.
• It would generally be unreasonable and contrary to the public interest to disclose personal identifying information of a person who has accessed a government service that is made freely available to members of the public on the basis and in the expectation that a person’s use of the service will be kept confidential by the agency.

**Jonathan Laird and Department of Defence**

In *Jonathan Laird and Department of Defence* [2014] AICmr 144 (10 December 2014), the main issue for consideration was whether DNA sequencing information derived from bone samples assumed to be the remains of an HMAS Sydney II crewman was material exempt under s 47F (personal privacy exemption) of the FOI Act.

The Privacy Commissioner found that, given the Department of Defence (Defence) had not been able to identify the crewman from the remains, the identity of the crewman was not reasonably identifiable and therefore did not meet the definition of personal information for the purposes of the FOI Act. However, the Privacy Commissioner found the DNA sequencing information to be material conditionally exempt under s 47E (certain operations of an agency) and contrary to the public interest to disclose, on the basis that disclosure in this case could result in current service personnel withholding health and DNA information. The Privacy Commissioner gave substantial weight to Defence’s management of its personnel, given the inherent danger that service personnel face in carrying out their duties.

**‘CN’ and Australian Customs and Border Protection Service**

In *‘CN’ and Australian Customs and Border Protection Service* [2014] AICmr 87 (1 September 2014), the applicant applied for access to CCTV footage held by the Australian Customs and Border Protection Service (ACBPS), which recorded the applicant’s questioning and examination at Sydney International Airport. ACBPS required the applicant to pay a charge of $3000 in relation to his request. The applicant paid the charge and received an edited copy of the CCTV footage.

The applicant sought IC review of ACBPS’s decision. Regulation 5(1) of the *Freedom of Information (Charges) Regulations 1982* provides that ‘there is no charge for a request for, or for the provision of, access to a document that contains information that is the personal information of the applicant’.

The Privacy Commissioner found that, given the CCTV footage requested contains personal information about the applicant, the charge of $3000 should not have been imposed as per regulation 5(1).

These decisions are also published on the AustLII website as part of the Australian Information Commissioner (AICmr) series.
FOI guidelines

Agencies must have regard to the FOI guidelines when they are performing a function or exercising a power under the FOI Act. The FOI guidelines provide guidance to agencies and ministers on FOI administration and on how the Information Commissioner interprets and applies the FOI Act.

In 2014–15, the OAIC updated eight of the 15 parts of the FOI guidelines to reflect legislative changes, IC review decisions, relevant decisions of the AAT and Federal Court, and other developments affecting the operation of the FOI Act. The substantial updates included:

- revising Part 1 to expand and restructure the discussion of FOI history, reforms and the OAIC
- revising Part 2 to update and expand the discussion about the definition of an agency, the scope of the FOI Act and exempt and partly exempt agencies, mandatory request transfer provisions, IC reviews of ministerial decisions where there is a change of minister during a review, and incorporating the discussion of ‘documents’ (previously in Part 3)
- integrating Parts 3 and 8 into a new consolidated Part 3, which deals with processing and deciding on requests for access
- updating Part 4 to note that the obligation not to charge individuals for access to their own personal information also exists under Australian Privacy Principle (APP) 12 in the Privacy Act 1988 (Cth), and expanding the discussion of charge waiver/reduction on public interest grounds
- updating Part 7 to reflect obligations under the APPs and the discussion of request transfer provisions
- updating Part 9 to revise the discussion about internal review availability and third party review rights and explaining the discrepancy between internal review and IC review time frames for review of access grant decisions
- revising Part 10 to update the discussion about the exercise of Part VII of the FOI Act functions to reflect OAIC practice and rights of third parties to participate in IC reviews, add new discussion of notification timeframe requirements and further discuss OAIC practices for referring matters to the AAT and making revised decisions under s 55G
- revising Part 12 to provide expanded guidance about vexatious applicant declarations
- updating Part 13 to revise the ‘Review of agency IPS compliance’ section
- revising Part 14 to expand the discussion about accessibility and electronic redaction.

These amendments are outlined in a table of links to archived versions of the FOI guidelines available on the OAIC website. That table also summarises significant changes between each version of the FOI guidelines.

The latest version of the Information Commissioner’s FOI guidelines is available on the OAIC’s website.
Freedom of information resources

The OAIC publishes a range of resources to assist agencies in applying the FOI Act. Agency resources are advisory only and are not binding. The resources provide detailed advice and practical tips for agencies about applying the FOI Act and are available on the OAIC’s website. The OAIC also publishes a large number of IC review decisions, which assist agencies and the public in understanding the application of the FOI Act.

A range of information and fact sheets are also available on the OAIC’s website to assist the public in understanding and applying of the FOI Act.

The OAIC provides general advice to agencies and the public on the operation of the FOI Act through our Enquiries line.
Chapter Eight

Agency freedom of information

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Chapter Eight
Agency freedom of information

Overview

This chapter has been prepared using data collected from ministers and agencies subject to the *Freedom of Information Act 1982* (FOI Act). Ministers and agencies are required to provide, among other details, information about:

- the number of freedom of information (FOI) requests made to them
- the number of decisions they made granting, partially granting or refusing access, and the number and outcome of applications for internal review
- the number and outcome of requests to them to amend personal records
- charges collected by them.

The Attorney-General’s Department maintains a web-based system for the electronic lodgement of FOI statistical information by agencies. It collects information about agencies’ use of exemptions, practical refusal processes, and staff resources and other costs associated with compliance with Information Publication Scheme (IPS) provisions.

The data given by ministers and agencies for the preparation of this annual report is published on the OAIC website.

Requests for access to documents

Types of FOI requests

The term ‘FOI request’ means a request for access to documents under s 15 of the FOI Act. Applications for amendment or annotation of personal records under s 48 are dealt with separately below.

The FOI Act requires that agencies and ministers provide access to documents in response to requests that meet the requirements of s 15 of the FOI Act. The figures in this report do not take account of applications that did not satisfy those requirements.

Numbers of FOI requests received

Table 8.1 provides a comparison of the number of FOI requests received in each of the last five reporting years. Chart 8.2 (see later in this chapter) shows the total number of FOI requests received each year since the commencement of the FOI Act in 1982.
Table 8.1 Total FOI requests received 2010–11 to 2014–15

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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>23,605</td>
<td>24,764</td>
<td>24,944</td>
<td>28,463</td>
<td>35,550</td>
</tr>
</tbody>
</table>

Following the FOI reforms that commenced in November 2010, FOI request numbers have steadily increased. The rate of increase in 2014–15 was the highest since the 2010 reforms. Australian Government agencies received 35,550 FOI requests in 2014–15, up 24.9% on the number received in the previous year. Request numbers increased 4.9% in 2011–12, 0.7% in 2012–13 and 14.1% in 2013–14.

**Number of FOI requests received by different agencies**

In 2014–15, the Department of Immigration and Border Protection (DIBP), the Department of Human Services (DHS) and the Department of Veterans’ Affairs (DVA) continued to receive the majority of FOI requests (75.4% of the total). The bulk of requests to these agencies are from customers or clients seeking access to documents containing their own personal information or case file information.

The 20 agencies that received the largest number of requests in 2014–15 are shown in Table 8.2, with a comparison to the number of requests each received in 2013–14. The top five agencies in 2014–15 were DIBP, DHS, DVA, Migration Review Tribunal (MRT) and Australian Taxation Office (ATO). These agencies were also the top five in 2013–14 and 2012–13, although ATO received the fourth-highest proportion of requests in 2013–14 but only the fifth-highest in 2014–15, switching places with MRT.

DIBP had the largest increase in request numbers in 2014–15 (up by 6997 or 59%), and its proportion of the total number of requests received by Australian Government agencies increased from 41.6% in 2013–14 to 53% in 2014–15. DIBP recorded a 64.2% increase in requests for personal information. DIBP experienced a significant increase in protection visa applicants seeking documents under FOI due to the progressive and ongoing lifting of visa application bars.

The MRT and ATO both experienced increases in the number of requests received (up 347 and 231 respectively), and in their proportions of the total number of requests received by Australian Government agencies. DHS received only 64 more requests in 2014–15 (an increase of 1.4% from 2013–14), and DVA had 245 fewer requests (a reduction of 6.7% from 2013–14).

As noted above, the total number of FOI requests received increased by 24.9% in 2014–15. Collectively, the 20 agencies that received the most FOI requests in 2014–15 reported an increase from the 20 agencies that received the most FOI requests in 2013–14 (93.6% of total requests in 2014–15, compared to 90.4% in 2013–14).
Table 8.2 Agencies by numbers of FOI requests received

<table>
<thead>
<tr>
<th>Agency</th>
<th>Rank 2013–14</th>
<th>Total 2013–14</th>
<th>% of all FOI requests</th>
<th>Rank 2014–15</th>
<th>Total 2014–15</th>
<th>% of all FOI requests</th>
<th>Change Total</th>
</tr>
</thead>
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<td>Department of Immigration and Border Protection</td>
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<td>11,854</td>
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<td>4437</td>
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<td>4501</td>
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<td>Department of Veterans’ Affairs</td>
<td>3</td>
<td>3681</td>
<td>12.9</td>
<td>3</td>
<td>3436</td>
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<td>715</td>
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<td>4</td>
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<td>3.0</td>
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<tr>
<td>Australian Taxation Office</td>
<td>4</td>
<td>768</td>
<td>2.7</td>
<td>5</td>
<td>999</td>
<td>2.8</td>
<td>+231</td>
</tr>
<tr>
<td>Refugee Review Tribunal</td>
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<td>633</td>
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<td>Australian Federal Police</td>
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<td>1.5</td>
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<td>1.2</td>
<td>-24</td>
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<td>Department of Health</td>
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<td>1.1</td>
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<td>323</td>
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<td>+9</td>
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<td>Attorney-General’s Department</td>
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<td>0.9</td>
<td>11</td>
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<td>-4</td>
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<td>Australian Securities and Investments Commission</td>
<td>13</td>
<td>237</td>
<td>0.8</td>
<td>12</td>
<td>254</td>
<td>0.7</td>
<td>+17</td>
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<td>Australian Postal Corporation</td>
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<td>Department of the Prime Minister and Cabinet</td>
<td>16</td>
<td>209</td>
<td>0.7</td>
<td>14</td>
<td>241</td>
<td>0.7</td>
<td>+32</td>
</tr>
<tr>
<td>Australian Customs and Border Protection Service</td>
<td>15</td>
<td>218</td>
<td>0.8</td>
<td>15</td>
<td>213</td>
<td>0.6</td>
<td>-5</td>
</tr>
<tr>
<td>Department of the Treasury</td>
<td>18</td>
<td>191</td>
<td>0.7</td>
<td>16</td>
<td>212</td>
<td>0.6</td>
<td>+21</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Agency</th>
<th>Rank 2013–14</th>
<th>Total 2013–14</th>
<th>% of all FOI requests</th>
<th>Rank 2014–15</th>
<th>Total 2014–15</th>
<th>% of all FOI requests</th>
<th>Change Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Social Services*</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>17</td>
<td>194</td>
<td>0.5</td>
<td>+194</td>
</tr>
<tr>
<td>Department of Employment</td>
<td>19</td>
<td>157</td>
<td>0.6</td>
<td>18</td>
<td>182</td>
<td>0.5</td>
<td>+25</td>
</tr>
<tr>
<td>Trade Marks Office</td>
<td>11</td>
<td>279</td>
<td>1.0</td>
<td>19</td>
<td>165</td>
<td>0.5</td>
<td>-114</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>14</td>
<td>223</td>
<td>0.8</td>
<td>20</td>
<td>138</td>
<td>0.4</td>
<td>-85</td>
</tr>
<tr>
<td>Total top 20</td>
<td>–</td>
<td>25,729^</td>
<td>90.4^</td>
<td>–</td>
<td>33,285</td>
<td>93.6</td>
<td>+7556</td>
</tr>
<tr>
<td>Remaining agencies</td>
<td>–</td>
<td>2734</td>
<td>9.6</td>
<td>–</td>
<td>2265</td>
<td>6.4</td>
<td>-469</td>
</tr>
<tr>
<td>Total</td>
<td>–</td>
<td>28,463</td>
<td>100.0</td>
<td>–</td>
<td>35,550</td>
<td>100.0</td>
<td>+7087</td>
</tr>
</tbody>
</table>

* Denotes an agency not listed in the top 20 agencies in 2013–14.
^ Shows the total for the top 20 agencies in 2013–14 (ie includes figures for one agency that is not in the top 20 agencies in 2014–15).

FOI requests for personal information and for other information

Since 2000–01, agencies and ministers have reported separately the number of FOI requests received for documents containing personal information and for documents containing ‘other’ information. A request for personal information means a request for documents that contain information about a person who can be identified (usually the applicant, though not necessarily). A request for ‘other’ information means a request for all other documents, such as documents concerning policy development and government decision making.

30,297 (or 85.2%) of all FOI requests in 2014–15 were for documents containing personal information. The percentage of such requests increased from 79.7% in 2013–14. There was a decrease of 9% in the number of FOI requests for other (non-personal) information in 2014–15.

Table 8.3 shows the type of requests that the 20 agencies received in 2014–15 with a comparison to the number of requests each received in 2013–14.
Table 8.3 Types of FOI requests received by agency

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Immigration and Border Protection</td>
<td>11,113</td>
<td>741</td>
<td>18,245</td>
<td>606</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>4298</td>
<td>139</td>
<td>4383</td>
<td>118</td>
</tr>
<tr>
<td>Department of Veterans’ Affairs</td>
<td>3629</td>
<td>52</td>
<td>3395</td>
<td>41</td>
</tr>
<tr>
<td>Migration Review Tribunal</td>
<td>708</td>
<td>7</td>
<td>1040</td>
<td>22</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>287</td>
<td>481</td>
<td>556</td>
<td>443</td>
</tr>
<tr>
<td>Refugee Review Tribunal</td>
<td>624</td>
<td>9</td>
<td>766</td>
<td>0</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>360</td>
<td>125</td>
<td>373</td>
<td>132</td>
</tr>
<tr>
<td>Department of Defence</td>
<td>212</td>
<td>221</td>
<td>129</td>
<td>280</td>
</tr>
<tr>
<td>Department of Foreign Affairs and Trade</td>
<td>115</td>
<td>166</td>
<td>122</td>
<td>209</td>
</tr>
<tr>
<td>Department of Health</td>
<td>6</td>
<td>308</td>
<td>3</td>
<td>320</td>
</tr>
<tr>
<td>Attorney-General’s Department</td>
<td>78</td>
<td>185</td>
<td>55</td>
<td>204</td>
</tr>
<tr>
<td>Australian Securities and Investments Commission</td>
<td>26</td>
<td>211</td>
<td>31</td>
<td>223</td>
</tr>
<tr>
<td>Australian Postal Corporation</td>
<td>163</td>
<td>44</td>
<td>213</td>
<td>31</td>
</tr>
<tr>
<td>Department of the Prime Minister and Cabinet</td>
<td>7</td>
<td>202</td>
<td>3</td>
<td>238</td>
</tr>
<tr>
<td>Australian Customs and Border Protection Service</td>
<td>65</td>
<td>153</td>
<td>70</td>
<td>143</td>
</tr>
<tr>
<td>Department of the Treasury</td>
<td>6</td>
<td>185</td>
<td>3</td>
<td>209</td>
</tr>
<tr>
<td>Department of Social Services</td>
<td>–</td>
<td>–</td>
<td>92</td>
<td>102</td>
</tr>
<tr>
<td>Department of Employment</td>
<td>104</td>
<td>53</td>
<td>122</td>
<td>60</td>
</tr>
<tr>
<td>Trade Marks Office</td>
<td>1</td>
<td>278</td>
<td>0</td>
<td>165</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>13</td>
<td>210</td>
<td>11</td>
<td>127</td>
</tr>
<tr>
<td>Total top 20</td>
<td>21,849^</td>
<td>3880^</td>
<td>29,612</td>
<td>3673</td>
</tr>
<tr>
<td>Remaining agencies</td>
<td>841</td>
<td>1893</td>
<td>685</td>
<td>1580</td>
</tr>
<tr>
<td>Total</td>
<td>22,690</td>
<td>5773</td>
<td>30,297</td>
<td>5253</td>
</tr>
</tbody>
</table>

^ Shows the total for the top 20 agencies in 2013–14 (ie includes figures for one agency that is not in the top 20 agencies in 2014–15).
**Chapter Eight**  
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**FOI requests determined**

In 2014–15, agencies and ministers processed FOI requests as follows (previous year figures are in round brackets):

- on hand at the beginning of the year: 2397 (2649)
- received during the year: 35,550 (28,463)
- requiring determination (ie on hand at the beginning of the year or received during the year): 37,947 (31,112)
- withdrawn: 3641 (3190)
- transferred: 729 (944)
- determined (ie access granted in full or in part, or refused): 29,000 (23,106)
- finalised (ie withdrawn, transferred or determined): 33,370 (27,240)
- on hand at the end of the year (ie requiring determination but not finalised): 4577 (3872).

Agencies and ministers determined 25.5% more requests, and finalised 22.5% more requests, in 2014–15 than in the previous reporting period.

Table 8.4 shows how FOI requests were determined in 2013–14 and 2014–15.

**Table 8.4 FOI requests determined**

<table>
<thead>
<tr>
<th>Decision</th>
<th>Total 2013–14</th>
<th>%</th>
<th>Total 2014–15</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granted in full</td>
<td>12,109</td>
<td>52.4</td>
<td>16,374</td>
<td>56.5</td>
</tr>
<tr>
<td>Granted in part</td>
<td>7923</td>
<td>34.3</td>
<td>9601</td>
<td>33.1</td>
</tr>
<tr>
<td>Refused</td>
<td>3074</td>
<td>13.3</td>
<td>3025</td>
<td>10.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>23,106</strong></td>
<td><strong>100.0</strong></td>
<td><strong>29,000</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Table 8.5 shows how FOI requests were determined in 2013–14 and 2014–15, broken into requests for personal and other (non-personal) information.

**Table 8.5 Breakdown of type of FOI requests determined**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Granted in full</td>
<td>11,054</td>
<td>1055</td>
<td>15,685</td>
<td>689</td>
</tr>
<tr>
<td>Granted in part</td>
<td>6420</td>
<td>1503</td>
<td>8191</td>
<td>1410</td>
</tr>
<tr>
<td>Refused</td>
<td>1600</td>
<td>1474</td>
<td>1665</td>
<td>1360</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19,074</strong></td>
<td><strong>4032</strong></td>
<td><strong>25,541</strong></td>
<td><strong>3459</strong></td>
</tr>
</tbody>
</table>
The figures for FOI requests that were refused include cases in which the documents sought do not exist or cannot be found, as well as cases in which exemptions have been applied.

In 2014–15, 89.6% of requests were granted in full or in part (up from 86.7% in 2013–14). In 2014–15, the proportion of requests granted in full (56.5%) increased from 2013–14 (52.4%).

Table 8.6 lists the top 20 agencies by the number of FOI decisions they made. The Department of the Treasury and the Department of Finance are included on the list of the top 20 agencies in terms of requests received, but not in the top 20 of decisions made. In contrast, Comcare and the Australian Transaction Reports and Analysis Centre (AUSTRAC) feature in the top 20 by decisions made but not by requests received.

**Table 8.6 Top 20 agencies by numbers of FOI requests determined**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Granted in full</th>
<th>Granted in part</th>
<th>Refused</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Immigration and Border Protection</td>
<td>9667</td>
<td>5692</td>
<td>879</td>
<td>16,238</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>1702</td>
<td>1374</td>
<td>430</td>
<td>3506</td>
</tr>
<tr>
<td>Department of Veterans’ Affairs</td>
<td>2989</td>
<td>29</td>
<td>22</td>
<td>3040</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>119</td>
<td>445</td>
<td>160</td>
<td>724</td>
</tr>
<tr>
<td>Refugee Review Tribunal</td>
<td>540</td>
<td>91</td>
<td>29</td>
<td>660</td>
</tr>
<tr>
<td>Migration Review Tribunal</td>
<td>414</td>
<td>150</td>
<td>17</td>
<td>581</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>25</td>
<td>343</td>
<td>149</td>
<td>517</td>
</tr>
<tr>
<td>Department of Defence</td>
<td>19</td>
<td>180</td>
<td>62</td>
<td>261</td>
</tr>
<tr>
<td>Department of Foreign Affairs and Trade</td>
<td>47</td>
<td>135</td>
<td>61</td>
<td>243</td>
</tr>
<tr>
<td>Australian Securities and Investments Commission</td>
<td>28</td>
<td>39</td>
<td>159</td>
<td>226</td>
</tr>
<tr>
<td>Department of the Prime Minister and Cabinet</td>
<td>23</td>
<td>29</td>
<td>126</td>
<td>178</td>
</tr>
<tr>
<td>Australian Postal Corporation</td>
<td>110</td>
<td>23</td>
<td>42</td>
<td>175</td>
</tr>
<tr>
<td>Trade Marks Office</td>
<td>56</td>
<td>112</td>
<td>4</td>
<td>172</td>
</tr>
<tr>
<td>Department of Health</td>
<td>35</td>
<td>64</td>
<td>68</td>
<td>167</td>
</tr>
<tr>
<td>Attorney-General’s Department</td>
<td>12</td>
<td>73</td>
<td>77</td>
<td>162</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Agency</th>
<th>Granted in full</th>
<th>%</th>
<th>Granted in part</th>
<th>%</th>
<th>Refused</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Customs and Border Protection Service</td>
<td>33</td>
<td>20.8</td>
<td>97</td>
<td>61.0</td>
<td>29</td>
<td>18.2</td>
<td>159</td>
</tr>
<tr>
<td>Department of Social Services</td>
<td>56</td>
<td>44.4</td>
<td>29</td>
<td>23.0</td>
<td>41</td>
<td>32.5</td>
<td>126</td>
</tr>
<tr>
<td>Department of Employment</td>
<td>58</td>
<td>46.8</td>
<td>44</td>
<td>35.5</td>
<td>22</td>
<td>17.7</td>
<td>124</td>
</tr>
<tr>
<td>Comcare</td>
<td>19</td>
<td>18.8</td>
<td>42</td>
<td>41.6</td>
<td>40</td>
<td>39.6</td>
<td>101</td>
</tr>
<tr>
<td>Australian Transaction Reports and Analysis Centre (AUSTRAC)</td>
<td>40</td>
<td>40.4</td>
<td>26</td>
<td>26.3</td>
<td>33</td>
<td>33.3</td>
<td>99</td>
</tr>
<tr>
<td>Top 20</td>
<td>15,992</td>
<td>58.2</td>
<td>9017</td>
<td>32.8</td>
<td>2450</td>
<td>8.9</td>
<td>27,459</td>
</tr>
<tr>
<td>Remaining agencies</td>
<td>382</td>
<td>24.8</td>
<td>584</td>
<td>37.9</td>
<td>575</td>
<td>37.3</td>
<td>1541</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16,374</strong></td>
<td><strong>56.5</strong></td>
<td><strong>9601</strong></td>
<td><strong>33.1</strong></td>
<td><strong>3025</strong></td>
<td><strong>10.4</strong></td>
<td><strong>29,000</strong></td>
</tr>
</tbody>
</table>

Use of exemptions

Table 8.7 shows how Australian Government agencies and ministers claimed exemptions under the FOI Act when processing FOI requests in 2014–15. More than one exemption might be applied in processing an FOI request.

Table 8.7 Use of exemptions in FOI decisions

<table>
<thead>
<tr>
<th>FOI Act reference</th>
<th>Exemption</th>
<th>Personal</th>
<th>Other</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 33</td>
<td>Documents affecting national security, defence or international relations</td>
<td>397</td>
<td>150</td>
<td>547</td>
<td>4.6</td>
</tr>
<tr>
<td>s 34</td>
<td>Cabinet documents</td>
<td>1</td>
<td>69</td>
<td>70</td>
<td>0.6</td>
</tr>
<tr>
<td>s 37</td>
<td>Documents affecting enforcement of law and protection of public safety</td>
<td>1269</td>
<td>192</td>
<td>1461</td>
<td>12.2</td>
</tr>
<tr>
<td>s 38</td>
<td>Documents to which secrecy provisions of enactments apply</td>
<td>403</td>
<td>197</td>
<td>600</td>
<td>5.0</td>
</tr>
<tr>
<td>s 42</td>
<td>Documents subject to legal professional privilege</td>
<td>165</td>
<td>102</td>
<td>267</td>
<td>2.2</td>
</tr>
<tr>
<td>s 45</td>
<td>Documents containing material obtained in confidence</td>
<td>171</td>
<td>103</td>
<td>274</td>
<td>2.3</td>
</tr>
<tr>
<td>s 45A</td>
<td>Parliamentary Budget Office documents</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0.0</td>
</tr>
<tr>
<td>s 46</td>
<td>Documents disclosure of which would be contempt of Parliament or contempt of court</td>
<td>13</td>
<td>3</td>
<td>16</td>
<td>0.1</td>
</tr>
</tbody>
</table>
No exemption was claimed by the agency or minister in 5474 requests. The personal privacy exemption in s 47F of the FOI Act was the most-claimed exemption, being claimed in 47.6% of FOI decisions. The next most-claimed exemptions were s 47E (certain operations of agencies (13.9%)) and s 37 (documents affecting enforcement of law and protection of public safety (12.2%)).

### Use of practical refusal

Section 24AB of the FOI Act sets out a ‘request consultation process’, which must be undertaken if a ‘practical refusal reason’ exists (s 24AA). A practical refusal reason exists if the work involved in processing the FOI request would substantially and unreasonably divert the agency’s resources from its other operations, or the FOI request does not adequately identify the documents sought.

The request consultation process involves the agency sending a written notice to the FOI applicant, advising them that the agency intends to refuse the request and providing details of how the FOI applicant can consult with the agency. The FOI Act imposes an obligation on the agency to take reasonable steps to help the FOI applicant to revise their request so that the practical refusal reason no longer exists.

Table 8.8 provides information about how Australian Government agencies and ministers engaged in request consultation processes under s 24AB of the FOI Act in 2014–15 and the outcome of those processes.
Table 8.8 Use of practical refusal

<table>
<thead>
<tr>
<th>Practical refusal processing step</th>
<th>Personal</th>
<th>Other</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notified in writing of intention to refuse request</td>
<td>643</td>
<td>896</td>
<td>1539</td>
<td>–</td>
</tr>
<tr>
<td>Request was subsequently refused or withdrawn</td>
<td>438</td>
<td>666</td>
<td>1104</td>
<td>71.7</td>
</tr>
<tr>
<td>Request was subsequently processed</td>
<td>205</td>
<td>230</td>
<td>435</td>
<td>28.3</td>
</tr>
</tbody>
</table>

Agencies sent 12.4% fewer notices of an intention to refuse a request in 2014–15 than in 2013–14. In 2014–15, 71.7% of those requests were subsequently refused or withdrawn; the proportion was 67.1% in 2013–14 and 42.7% in 2012–13.

In 2014–15, agencies sent 38.4% fewer notices of an intention to refuse a request for personal information than in 2013–14, and 25.5% more notices of an intention to refuse a request for other information.

There was a decrease in the number of personal information requests that were subsequently processed following the request consultation process. In 2013–14, 38% of personal requests were processed following the request consultation process. This number decreased to 31.9% in 2014–15. The proportion of other requests that were subsequently processed was similar in 2013–14 and 2014–15 (25.5% and 25.7% respectively).

Time taken to respond to FOI requests

As a starting point, once an FOI request has been received, an agency or minister has 30 days within which to make a decision under the FOI Act. The FOI Act allows for the extension of that statutory timeframe in certain circumstances. If a decision is not made on a request within the statutory timeframe (as extended, if applicable) then s 15AC of the FOI Act provides that a decision refusing access is deemed to have been made. Nonetheless, agencies can and are encouraged to continue to process a request that has been deemed to have been refused. If an applicant seeks Information Commissioner review (IC review) of a deemed decision, s 55G provides that the agency can only make a substituted decision that is more favourable to the applicant while that IC review is under way.

An agency may extend the period of time to make a decision by agreement with the applicant (s 15AA), or to undertake consultation with a third party (ss 15(6)–(8)). An agency can also apply to the Australian Information Commissioner (Information Commissioner) for more time to process a request when the request is complex or voluminous (s 15AB), or when access has been deemed to be refused (s 15AC or s 51DA) or affirmed on internal review (s 54D). These extension provisions acknowledge that there are circumstances when it is appropriate for an agency to take more than 30 days to process a request.

When an agency has obtained an extension of time to deal with an FOI request, and resolves the request within the extended time period, the request is recorded as having been determined within the statutory time period. Table 8.9 shows the response times for all agencies and ministers for 2013–14 and 2014–15.
Table 8.10 shows response times separately for personal and other requests in 2013–14 and 2014–15. In 2014–15, 95.3% of all FOI requests determined were processed within the applicable statutory time period: 96.1% of all personal information requests and 89% of non-personal requests.

Table 8.9 Response times — FOI requests

<table>
<thead>
<tr>
<th>Response time</th>
<th>Total 2013–14</th>
<th>%</th>
<th>Total 2014–15</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within applicable statutory time period</td>
<td>22,132</td>
<td>95.8</td>
<td>27,634</td>
<td>95.3</td>
</tr>
<tr>
<td>Up to 30 days over applicable statutory time period</td>
<td>557</td>
<td>2.4</td>
<td>990</td>
<td>3.4</td>
</tr>
<tr>
<td>31–60 days over applicable statutory time period</td>
<td>234</td>
<td>1.0</td>
<td>224</td>
<td>0.8</td>
</tr>
<tr>
<td>61–90 days over applicable statutory time period</td>
<td>98</td>
<td>0.4</td>
<td>73</td>
<td>0.3</td>
</tr>
<tr>
<td>More than 90 days over applicable statutory time period</td>
<td>85</td>
<td>0.4</td>
<td>79</td>
<td>0.3</td>
</tr>
<tr>
<td>Total</td>
<td>23,106</td>
<td>100</td>
<td>29,000</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 8.10 Response times broken down by personal and other

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Within applicable statutory time period</td>
<td>18,488</td>
<td>3644</td>
<td>24,555</td>
<td>3079</td>
</tr>
<tr>
<td>Up to 30 days over applicable statutory time period</td>
<td>348</td>
<td>209</td>
<td>743</td>
<td>247</td>
</tr>
<tr>
<td>31–60 days over applicable statutory time period</td>
<td>128</td>
<td>106</td>
<td>160</td>
<td>64</td>
</tr>
<tr>
<td>61–90 days over applicable statutory time period</td>
<td>65</td>
<td>33</td>
<td>45</td>
<td>28</td>
</tr>
<tr>
<td>More than 90 days over applicable statutory time period</td>
<td>45</td>
<td>40</td>
<td>38</td>
<td>41</td>
</tr>
<tr>
<td>Total</td>
<td>19,074</td>
<td>4032</td>
<td>25,541</td>
<td>3459</td>
</tr>
</tbody>
</table>

Table 8.11 shows those agencies and ministers that, in 2014–15, had one or more FOI requests that took more than 90 days to finalise beyond the applicable statutory time period.

Eight agencies or ministers took longer than 90 days after the applicable statutory period had expired to process more than 5% of their FOI requests (up from three agencies in 2013–14).
Table 8.11: Response times greater than 90 days after the expiry of the applicable statutory period 2014–15

<table>
<thead>
<tr>
<th>Agency</th>
<th>Total requests determined</th>
<th>Requests determined more than 90 days after statutory period</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Federal Police</td>
<td>517</td>
<td>28</td>
<td>5.4</td>
</tr>
<tr>
<td>Australian Customs and Border Protection Service</td>
<td>159</td>
<td>12</td>
<td>7.5</td>
</tr>
<tr>
<td>Department of Immigration and Border Protection</td>
<td>16,238</td>
<td>12</td>
<td>0.1</td>
</tr>
<tr>
<td>Department of the Prime Minister and Cabinet</td>
<td>178</td>
<td>10</td>
<td>5.6</td>
</tr>
<tr>
<td>Prime Minister</td>
<td>29</td>
<td>5</td>
<td>17.2</td>
</tr>
<tr>
<td>Australian Trade Commission (Austrade)</td>
<td>11</td>
<td>3</td>
<td>27.3</td>
</tr>
<tr>
<td>Department of Communications</td>
<td>27</td>
<td>2</td>
<td>7.4</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>3506</td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>1</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Australian Electoral Commission</td>
<td>28</td>
<td>1</td>
<td>3.6</td>
</tr>
<tr>
<td>Australian Radiation Protection and Nuclear Safety Agency</td>
<td>2</td>
<td>1</td>
<td>50.0</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>724</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Office of the Registrar of Indigenous Corporations</td>
<td>27</td>
<td>1</td>
<td>3.7</td>
</tr>
</tbody>
</table>

Applications for amendment of personal records

Section 48 of the FOI Act confers a right on a person to apply to an agency or to a minister to amend a document, to which lawful access has been granted, where the document contains personal information about the applicant:

- that is incomplete, incorrect, out of date or misleading, and
- that has been used, is being used, or is available for use by the agency or minister for an administrative purpose.

In 2014–15, 2589 amendment applications were received by agencies. This is a 10.4% decrease from 2013–14, following an increase of 1.3% in 2013–14, and decreases of 20% in 2010–11, 5% in 2011–12, and 18.9% in 2012–13. Twelve agencies received applications for amendment in 2014–15. One agency, DIBP, received 2510 amendment applications (96.9% of the total).
2542 amendment applications were determined in 2014–15 (23% less than in 2013–14). Table 8.12 compares the decision making for amendment applications for the last four reporting periods. In 2014–15, a decision to amend or annotate a person’s personal record was made in 72% of the determined applications.

Table 8.12 Determination of amendment applications

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests granted: amend record</td>
<td>1884</td>
<td>52.9</td>
<td>1873</td>
<td>64.7</td>
<td>2040</td>
<td>61.8</td>
<td>1624</td>
<td>63.9</td>
</tr>
<tr>
<td>Requests granted: annotate record</td>
<td>717</td>
<td>20.1</td>
<td>236</td>
<td>8.2</td>
<td>208</td>
<td>6.3</td>
<td>203</td>
<td>8.0</td>
</tr>
<tr>
<td>Requests granted: amend and annotate record</td>
<td>2</td>
<td>0.0</td>
<td>1</td>
<td>0.0</td>
<td>0</td>
<td>0.0</td>
<td>2</td>
<td>0.1</td>
</tr>
<tr>
<td>Requests refused</td>
<td>961</td>
<td>27.0</td>
<td>783</td>
<td>27.1</td>
<td>1055</td>
<td>31.9</td>
<td>713</td>
<td>28.0</td>
</tr>
<tr>
<td>Total decided</td>
<td>3564</td>
<td>100</td>
<td>2893</td>
<td>100</td>
<td>3303</td>
<td>100</td>
<td>2542</td>
<td>100</td>
</tr>
</tbody>
</table>

Time taken to respond to amendment applications

An agency is required to notify an applicant of a decision on their application to amend personal records as soon as practicable, but in any case not later than 30 days after the date the request is received, or a longer period as extended under the FOI Act.

In 2014–15, 97.9% of amendment applications were decided within the statutory time period. This is an increase from 2013–14 (87.5%). Eight of the 10 applications not processed within the statutory time period were applications filed with DIBP. This is an improvement from 2013–14 and 2012–13, when DIBP did not process 19 and 93 applications respectively within the statutory time period.

Charges

Under the Freedom of Information (Charges) Regulations 1982 (Charges Regulations), FOI charges apply only to an initial access decision under Part III of the FOI Act. There is no charge for making an application:

- for access to a document under s 15
- for amendment or annotation of a personal record under s 48
- for internal review of a decision under s 54 or s 54A
- for IC review of a decision under s 54L or s 54M.

A fee is payable for an application to the Administrative Appeals Tribunal (AAT) for review of a decision under Part VIIA of the FOI Act.
Section 29 of the FOI Act provides for an agency or minister to impose charges in respect of FOI requests, and the process by which they are assessed, notified and adjusted. The applicant must be given notice in writing when an agency or minister decides under the Charges Regulations that the applicant is liable to pay a charge. The notice must specify that the applicant is liable to pay a charge, the preliminary assessment of the charge to be paid, the basis of calculation and the applicant’s right to contend that the charge has been wrongly assessed or should be reduced or waived.

Charges that agencies can impose for processing FOI requests include charges for search and retrieval time, decision making, retrieving and collating electronic information, preparing transcripts and photocopying. An agency or minister has a discretion to impose or not impose a charge, or impose a charge that is lower than the applicable charge under regulation 3 of the Charges Regulations.

The applicant must, within 30 days, or such further period allowed by the agency, agree to pay the charge, dispute the charge, seek a waiver or reduction, or withdraw the FOI request. When an applicant asks that the charge be reduced or not imposed, the agency must consider the applicant’s reasons and may decide to reduce the charge or to not impose it.

Table 8.13 shows the amounts collected by the 20 agencies that collected the most in charges under the FOI Act in 2014–15. These top 20 agencies collected 83.6% of all charges collected by Australian Government agencies and ministers under the FOI Act during that period. An agency may notify a charge in one financial year and collect the charge in a subsequent financial year.

**Table 8.13 Top 20 agencies by charges collected**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Requests received</th>
<th>Requests where charges notified</th>
<th>Total charges notified</th>
<th>Total charges collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Health</td>
<td>323</td>
<td>117</td>
<td>$113,658</td>
<td>$28,762</td>
</tr>
<tr>
<td>Trade Marks Office</td>
<td>165</td>
<td>76</td>
<td>$17,017</td>
<td>$12,149</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>999</td>
<td>18</td>
<td>$16,588</td>
<td>$11,767</td>
</tr>
<tr>
<td>Department of Defence</td>
<td>409</td>
<td>100</td>
<td>$35,780</td>
<td>$9098</td>
</tr>
<tr>
<td>Department of Infrastructure and Regional Development</td>
<td>63</td>
<td>18</td>
<td>$35,276</td>
<td>$7307</td>
</tr>
<tr>
<td>Department of the Environment</td>
<td>98</td>
<td>17</td>
<td>$14,772</td>
<td>$6913</td>
</tr>
<tr>
<td>Department of Veterans’ Affairs</td>
<td>3436</td>
<td>72</td>
<td>$5268</td>
<td>$5894</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>138</td>
<td>74</td>
<td>$39,658</td>
<td>$5385</td>
</tr>
<tr>
<td>Department of Foreign Affairs and Trade</td>
<td>331</td>
<td>58</td>
<td>$17,760</td>
<td>$4716</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>64</td>
<td>28</td>
<td>$9573</td>
<td>$4479</td>
</tr>
</tbody>
</table>
In 2014–15, agencies notified a total of $545,332 in charges, with respect to 1148 requests, but collected only $153,561 (28.2%) of those charges. This difference is due to agencies exercising their discretion under s 29 of the FOI Act not to impose the whole charge, or applicants deciding to withdraw an application and not pay the notified charge.

Agencies notified and collected fewer charges in 2014–15 than in the previous year. In 2013–14, agencies notified a total of $734,762 in charges, with respect to 4957 requests, and collected $239,628. The percentage decrease in the notification and collection amounts for 2014–15 were 25.8% and 35.9%, respectively.

Charges collected, as a proportion of the total cost of administering the FOI Act, remained stable. In 2014–15, charges collected represented 0.4% of the total cost of administering the FOI Act. In 2010–11, it was 1.7%; in 2011–12, 1.0%; 2012–13, 0.5%; and in 2013–14, 0.6%. (See below for details of the cost of administering the FOI Act.)

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4 In 2010–11 and earlier, fees were collected in addition to charges; both are included in these figures. From 1 November 2010, the FOI Act and the Freedom of Information (Fees and Charges) Regulations (now called the Freedom of Information (Charges) Regulations 1982) were amended to abolish fees and some charges.
Disclosure log

As explained in Chapter Seven: FOI policy and compliance, all Australian Government agencies and ministers that are subject to the FOI Act are required to maintain an FOI disclosure log on their website. The disclosure log lists information that has been released to FOI applicants, subject to some exceptions (such as personal information).

Information was collected for the third time in 2014–15 from agencies and ministers on disclosure log activity. A total of 103 agencies and ministers provided information (down from 109 in 2013–14). Collectively, they reported 1019 documents listed on disclosure logs.

Review of FOI decisions

Under the FOI Act, an applicant who is dissatisfied with the decision of a minister or an agency on their initial FOI request has several avenues for review or redress. The applicant can first seek internal review, then external merits review by the Information Commissioner (IC review), then review by the AAT, then appeal, on a question of law, to the Federal Court or the High Court. In addition, an applicant may make a complaint at any time to the Information Commissioner or the Commonwealth Ombudsman about an agency’s actions under the FOI Act.

Third parties that have been consulted in the FOI process also have review rights if an agency decides to release documents contrary to their submissions. Consultation requirements apply for state governments (ss 26A and 26AA), the Australian Government in relation to FOI requests made to a Norfolk Island authority (s 26AA), commercial organisations (s 27) and private individuals (s 27A).

Section 23 of the FOI Act provides that decisions on requests made to an agency can be made by the responsible minister or the principal officer of that agency, or by authorised officers of the agency. There is no express power in the FOI Act for a minister to authorise another person to make a decision on an FOI request received by the minister. The Information Commissioner’s view is that it is nevertheless open to a minister to authorise members of the minister’s staff or of an agency to make such decisions.

Internal review

A person who is dissatisfied with an agency’s access refusal or access grant decision can apply either for internal review or IC review of that decision. Internal review is not available if the initial decision maker is the responsible minister or the principal officer of the agency. Although there is no requirement to do so, the Information Commissioner recommends that a person apply for internal review (if available) before applying for IC review.

Internal review is a merits review process. The internal review officer can decide all issues raised by an applicant’s FOI request, and exercise all the powers available to the original decision maker. The internal review officer may rely on work undertaken
by the original decision maker, or may cause the same work to be undertaken again. All the material available to the original decision maker should be available to the internal review officer. The internal review officer may consider additional material and submissions not considered by the original decision maker.

In 2014–15, 541 applications were made for internal review of FOI decisions: 9.2% fewer than in 2013–14. Of the 541 applications for internal review, 320 (59.1%) were for review of decisions on requests for personal information and 221 (40.9%) were for review of decisions on other (non-personal) requests.

Agencies finalised 515 decisions on internal review in 2014–15: 5% fewer than were made in 2013–14. Of these, 260 (50.5%) affirmed the original decision, 73 (14.2%) set aside the original decision and granted access in full, 133 (25.8%) granted access in part, three granted access after deferment (0.6%), two (0.4%) granted access in another form, 13 (2.5%) resulted in lesser access and applicants withdrew 19 applications (3.7%) without concession by the agency. Agencies reduced the charges levied as a result of internal review in 12 cases (2.3%).

In 2014–15 there were 14 applications for internal review of agencies’ decisions on amendment applications (in 2013–14 there were 56 such applications). Agencies made 50 internal review decisions: in 41 cases the original decision was affirmed and in nine cases it was set aside.

Information Commissioner review

Table 8.14 provides a breakdown of the top 20 agencies and ministers by the number of IC review applications received in 2014–15. In total, there were 373 applications for IC review (down 28.6%).

Table 8.14 Top 20 agencies/ministers by numbers of Information Commissioner review applications

<table>
<thead>
<tr>
<th>Agency/minister</th>
<th>Total FOI requests received by agency</th>
<th>Access refusal decisions</th>
<th>Access grant decisions</th>
<th>Total IC reviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Immigration and Border Protection</td>
<td>18,851</td>
<td>70</td>
<td>1</td>
<td>71</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>4501</td>
<td>43</td>
<td>0</td>
<td>43</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>505</td>
<td>27</td>
<td>0</td>
<td>27</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>999</td>
<td>16</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Australian Securities and Investments Commission</td>
<td>254</td>
<td>14</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td>Australian Customs and Border Protection Service</td>
<td>213</td>
<td>15</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Agency/minister</td>
<td>Total FOI requests received by agency</td>
<td>Access refusal decisions</td>
<td>Access grant decisions</td>
<td>Total IC reviews</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>--------------------------------------</td>
<td>--------------------------</td>
<td>------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Department of the Prime Minister and Cabinet</td>
<td>241</td>
<td>15</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Attorney-General’s Department</td>
<td>259</td>
<td>13</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Department of Veterans’ Affairs</td>
<td>3436</td>
<td>13</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Department of Defence</td>
<td>409</td>
<td>11</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Office of the Prime Minister</td>
<td>48</td>
<td>9</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Australian Postal Corporation</td>
<td>244</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Civil Aviation Safety Authority</td>
<td>110</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Department of the Environment</td>
<td>97</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Department of Foreign Affairs and Trade</td>
<td>331</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>138</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Comcare</td>
<td>111</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Department of Health</td>
<td>323</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Australian Crime Commission</td>
<td>38</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Department of Employment</td>
<td>182</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Subtotal</td>
<td>31,290</td>
<td>293</td>
<td>13</td>
<td>306</td>
</tr>
<tr>
<td>Remaining agencies/ministers</td>
<td>3886</td>
<td>63</td>
<td>4</td>
<td>67</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35,176</strong></td>
<td><strong>356</strong></td>
<td><strong>17</strong></td>
<td><strong>373</strong></td>
</tr>
</tbody>
</table>

Generally speaking, the agencies about which the most IC review applications were made were those that received the largest number of FOI requests in 2014–15. Fifteen or more IC review applications were made about each of seven agencies: DIBP, DHS, the Australian Federal Police, the ATO, Australian Securities and Investments Commission, Australian Customs and Border Protection Service and the Department of the Prime Minister and Cabinet. Each of those agencies is in the top 20 agencies in terms of FOI requests received.

Information about the Information Commissioner’s handling of IC reviews is given in Chapter Seven: FOI policy and compliance.
Administrative Appeals Tribunal review

An application can be made to the AAT for review of the following FOI decisions:

- a decision of the Information Commissioner on an IC review
- an IC reviewable decision (that is, an original decision or an internal review decision), but only if the Information Commissioner decides, under s 54W(b), that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered by the AAT.

An application for the review of one of these decisions may be made by a person whose interests are affected by the decision.\(^5\) The fee for an application to the AAT increases on each biennial anniversary of 1 July 1996, based on a calculation related to the Consumer Price Index. The fee during the reporting period was $861.

As with IC review, the AAT conducts a merits review process. The AAT’s decisions are appealable to the Federal Court of Australia, but only on a question of law.

Chart 8.1 shows the number of applications for review of FOI decisions received by the AAT since 1983–84, based on data provided in previous OAIC annual reports and earlier FOI annual reports.

\(^5\) Administrative Appeals Tribunal Act 1975, s 27.
Chart 8.1 shows that 64 FOI decisions were appealed to the AAT in 2014–15. This is significantly more than the 35 decisions appealed in 2013–14 and the 42 decisions appealed in 2012–13.

Before November 2010, external merits review lay with the AAT alone.

Table 8.15 provides a breakdown by agency of applications to the AAT in FOI matters in 2014–15. This data has been provided by the AAT.

**Table 8.15 AAT review by agency**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Applications</th>
<th>% of total applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney-General’s Department</td>
<td>3</td>
<td>4.7</td>
</tr>
<tr>
<td>Australian Crime Commission</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Australian Federal Police</td>
<td>4</td>
<td>6.3</td>
</tr>
<tr>
<td>Australian Financial Security Authority</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Australian National University</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Australian Securities and Investments Commission</td>
<td>5</td>
<td>7.8</td>
</tr>
<tr>
<td>Australian Skills Quality Authority</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Australian Taxation Office</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Department of Defence</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Department of Education and Training</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Department of Foreign Affairs and Trade</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Department of Health</td>
<td>4</td>
<td>6.3</td>
</tr>
<tr>
<td>Department of Human Services</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Department of Immigration and Border Protection</td>
<td>14</td>
<td>21.9</td>
</tr>
<tr>
<td>Department of Infrastructure and Regional Development</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Department of Social Services</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Department of the Treasury</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Great Barrier Reef Marine Park Authority</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Individual/Non-government agency</td>
<td>8</td>
<td>12.5</td>
</tr>
<tr>
<td>Military Rehabilitation and Compensation Commission</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>National Offshore Petroleum Safety and Environmental Management Authority</td>
<td>2</td>
<td>3.1</td>
</tr>
<tr>
<td>Office of the Australian Information Commissioner</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>64</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
Table 8.16 shows the outcome of the 53 FOI appeals finalised by the AAT in 2014–15. This data has been provided by the AAT.

**Table 8.16 Outcomes of FOI appeals finalised by the AAT in 2014–15**

<table>
<thead>
<tr>
<th>AAT Outcomes</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affirmed by consent/withdrawn</td>
<td>0</td>
</tr>
<tr>
<td>Set aside by consent/withdrawn</td>
<td>4</td>
</tr>
<tr>
<td>Varied by consent/withdrawn</td>
<td>2</td>
</tr>
<tr>
<td>Dismissed by consent/withdrawn</td>
<td>0</td>
</tr>
<tr>
<td>Withdrawn by consent/withdrawn</td>
<td>24</td>
</tr>
<tr>
<td>Affirmed by decision</td>
<td>9</td>
</tr>
<tr>
<td>Set aside by decision</td>
<td>4</td>
</tr>
<tr>
<td>Varied by decision</td>
<td>2</td>
</tr>
<tr>
<td>Dismissed by AAT</td>
<td>5</td>
</tr>
<tr>
<td>No application fee paid</td>
<td>2</td>
</tr>
<tr>
<td>Extension of time refused</td>
<td>1</td>
</tr>
</tbody>
</table>

Of the 53 FOI appeals finalised by the AAT, 15 (28.3%) resulted in a decision. The AAT affirmed the agency’s decision in nine (60%) of those reviews, compared with two (28.6%) in 2013–14.

**Complaints about agency FOI actions**

**Complaints to the Information Commissioner**

Information about the Information Commissioner’s handling of FOI complaints is given in Chapter Seven: FOI policy and compliance.

**Complaints to the Commonwealth Ombudsman**

In the Portfolio Budget Statements 2014–15, the Australian Government announced that the OAIC would be disbanded from 1 January 2015, and the Commonwealth Ombudsman would handle all FOI complaints after that date. However, legislation to give effect to this change was not considered by the Senate before the end of the 2014 sitting period. As a result, transitional arrangements were put in place from 1 November 2014, with the Commonwealth Ombudsman handling FOI complaints.

From 1 November 2014, the Commonwealth Ombudsman received 106 complaints about FOI matters. The Commonwealth Ombudsman investigated 18 of these complaints. The Commonwealth Ombudsman received 9 complaints before 1 November 2014. Of these, five complainants were referred to the agency complained of, one complaint was transferred to the OAIC under s 6C of the *Ombudsman Act 1976*, and the Ombudsman declined to investigate the remaining three matters.
Impact of FOI on agency resources

To assess the impact on agency resources of their compliance with the FOI Act, agencies are required to estimate the hours that staff spent on FOI matters and the non-labour costs directly attributable to FOI, such as training and legal costs. Agencies submit these estimates annually. Experience shows that agencies rarely keep exact records of hours spent by officers on FOI matters and other non-labour costs incurred. Agency estimates may also include FOI processing work undertaken on behalf of a minister’s office.

For the fourth year, agencies have also reported on their costs of compliance with the IPS. To facilitate comparison with the information in previous annual reports, those IPS costs are not included in this analysis of the cost of agency compliance with the FOI Act, but are discussed separately below.

The total reported cost attributable to the FOI Act in 2014–15 was $40.022 million, a decrease of 4.3% on the previous year’s total of $41.837 million. This decrease occurred despite an increase of 25.5% in requests determined, and an increase of 22.5% in requests finalised, over the same period. Total yearly FOI costs since the commencement of the FOI Act are shown in Table 8.17.

Table 8.17 Comparative total yearly cost of FOI

<table>
<thead>
<tr>
<th>Year</th>
<th>Total cost</th>
<th>Year</th>
<th>Total cost</th>
<th>Year</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990–91</td>
<td>$9,921,772</td>
<td>2001–02</td>
<td>$17,387,088</td>
<td>2012–13</td>
<td>$45,231,147</td>
</tr>
</tbody>
</table>

* Seven months only.

Table 8.18 sets out the average cost per FOI request determined (granted in full, in part or refused) for the last 10 years. The average cost per request determined in 2014–15 was $1380 (down 23.8%).

6 Before 2006–07, salary costs were calculated using the average of the salary levels of the three agencies recording the highest total FOI costs. Since 2006–07, salary costs have been calculated using median APS base salary figures and have taken account of SES salary costs. This means the data before 2006–07 is not strictly comparable with the data collected since 2006–07.
Table 8.18 Average cost per request for last 10 years

<table>
<thead>
<tr>
<th>Year</th>
<th>Requests determined</th>
<th>Total cost</th>
<th>Average cost per request determined</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005–06</td>
<td>38,987</td>
<td>$24,903,771</td>
<td>$639</td>
</tr>
<tr>
<td>2006–07</td>
<td>34,158</td>
<td>$24,936,178</td>
<td>$730</td>
</tr>
<tr>
<td>2007–08</td>
<td>31,367</td>
<td>$29,474,653</td>
<td>$940</td>
</tr>
<tr>
<td>2008–09</td>
<td>25,139</td>
<td>$30,358,484</td>
<td>$1208</td>
</tr>
<tr>
<td>2009–10</td>
<td>19,583</td>
<td>$27,484,129</td>
<td>$1403</td>
</tr>
<tr>
<td>2010–11</td>
<td>20,187</td>
<td>$36,318,030</td>
<td>$1799</td>
</tr>
<tr>
<td>2011–12</td>
<td>22,237</td>
<td>$41,718,803</td>
<td>$1876</td>
</tr>
<tr>
<td>2012–13</td>
<td>21,764</td>
<td>$45,231,147</td>
<td>$2078</td>
</tr>
<tr>
<td>2013–14</td>
<td>23,106</td>
<td>$41,836,685</td>
<td>$1811</td>
</tr>
<tr>
<td>2014–15</td>
<td>29,000</td>
<td>$40,021,572</td>
<td>$1380</td>
</tr>
</tbody>
</table>

Chart 8.2 shows the relationship between FOI costs and the number of FOI requests received for each year since 1982–83. Between 1 December 1982 (the date the FOI Act commenced) and 30 June 2015, Australian Government agencies and ministers have received 1,020,360 FOI requests.

Chart 8.2 FOI costs in relation to number of requests received
Staff costs

All agencies are required to supply information about staff resources allocated to FOI. This information includes:

- the number of staff who spent 75% or more of their time on FOI work
- the number of staff who spent less than 75% of their time on such work.

This covers all facets of agencies’ processing FOI requests, including:

- search and retrieval
- consultation with third parties
- decision making
- internal review
- FOI processing work for a minister’s office.


**Table 8.19 Total FOI staffing for years 2011–12 to 2014–15**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff numbers: 75–100% time spent on FOI matters</td>
<td>249</td>
<td>284</td>
<td>287</td>
<td>291</td>
</tr>
<tr>
<td>Staff numbers: less than 75% time spent on FOI matters</td>
<td>3722</td>
<td>3546</td>
<td>3623</td>
<td>3046</td>
</tr>
<tr>
<td>Total staff hours</td>
<td>576,824</td>
<td>638,466</td>
<td>630,936</td>
<td>589,726</td>
</tr>
<tr>
<td>Total staff years</td>
<td>288.4</td>
<td>319.2</td>
<td>315.5</td>
<td>294.9</td>
</tr>
</tbody>
</table>

Agencies provided estimates of the number of staff hours spent on FOI to enable calculation of salary costs (and 60% related costs) directly attributable to FOI.

A summary of staff costs is provided in Table 8.20, based on information provided by agencies and the following median base annual salaries:

- FOI contact officer (officers whose duties included FOI work) $74,331
- other officers involved in processing requests
  - Senior Executive Service (SES) officers (or equivalent) $178,617
  - APS Level 6 and Executive Levels (EL) 1–2 $108,013
  - Australian Public Service (APS) Levels 1–5 $61,512

---

7 As salary levels differ between agencies, median salary levels were used. These are given by the Australian Public Service Commission in its *APS Remuneration Report 2014*. These median levels are as at 31 December 2014.

8 APS Level 5 base salary median.

9 SES Band 1 base salary median.

10 Executive Level 1 base salary median.

11 APS Level 3 base salary median.
• Minister’s office
  – Minister and advisers $133,905\textsuperscript{12}
  – Minister’s support staff $61,512\textsuperscript{13}

Table 8.20 Estimated staff costs of FOI for 2014–15

<table>
<thead>
<tr>
<th>Type of staff</th>
<th>Staff years</th>
<th>Salary costs</th>
<th>Related costs (60%)</th>
<th>Total staff costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOI contact officers</td>
<td>224.5</td>
<td>$16,685,934</td>
<td>$10,011,560</td>
<td>$26,697,495</td>
</tr>
<tr>
<td>SES</td>
<td>7.7</td>
<td>$1,377,226</td>
<td>$826,336</td>
<td>$2,203,562</td>
</tr>
<tr>
<td>APS Level 6 and EL 1–2</td>
<td>30.3</td>
<td>$3,277,006</td>
<td>$1,966,204</td>
<td>$5,243,210</td>
</tr>
<tr>
<td>APS Levels 1–5</td>
<td>31.4</td>
<td>$1,928,401</td>
<td>$1,157,041</td>
<td>$3,085,442</td>
</tr>
<tr>
<td>Minister and advisers</td>
<td>0.6</td>
<td>$82,753</td>
<td>$49,652</td>
<td>$132,405</td>
</tr>
<tr>
<td>Minister’s support staff</td>
<td>0.4</td>
<td>$22,391</td>
<td>$13,434</td>
<td>$35,825</td>
</tr>
<tr>
<td>Total</td>
<td>294.9</td>
<td>$23,373,711</td>
<td>$14,024,226</td>
<td>$37,397,939</td>
</tr>
</tbody>
</table>

Total estimated staff costs in 2014–15 were $37.398 million, 6.3% less than in the previous year. By contrast, in 2013–14, total estimated staff costs rose by 0.5%.

Non-labour costs

Non-labour costs directly attributable to FOI are summarised in Table 8.21, including the percentage change between 2013–14 and 2014–15. The total in 2014–15 was $2.624 million, 37.6% more than in 2013–14.

In 2014–15, the greatest decrease was in general administrative costs. The greatest increase was litigation costs (384.7%).

Table 8.21 Identified non-labour costs of FOI

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General legal advice costs</td>
<td>$5,323,951</td>
<td>$3,116,080</td>
<td>$830,002</td>
<td>$1,031,544</td>
<td>+24.3%</td>
</tr>
<tr>
<td>Litigation costs</td>
<td>$1,229,393</td>
<td>$727,879</td>
<td>$157,781</td>
<td>$764,772</td>
<td>+384.7%</td>
</tr>
<tr>
<td>Total legal costs</td>
<td>$6,553,344</td>
<td>$3,843,959</td>
<td>$987,783</td>
<td>$1,796,316</td>
<td>+81.9%</td>
</tr>
<tr>
<td>General administrative costs</td>
<td>$600,310</td>
<td>$1,100,960</td>
<td>$706,032</td>
<td>$378,265</td>
<td>-46.4%</td>
</tr>
<tr>
<td>Training</td>
<td>$398,373</td>
<td>$303,437</td>
<td>$134,989</td>
<td>$334,599</td>
<td>+147.9%</td>
</tr>
<tr>
<td>Other</td>
<td>$312,270</td>
<td>$266,893</td>
<td>$78,352</td>
<td>$114,453</td>
<td>+46.1%</td>
</tr>
<tr>
<td>Total</td>
<td>$7,864,297</td>
<td>$5,515,249</td>
<td>$1,907,156</td>
<td>$2,623,633</td>
<td>+37.6%</td>
</tr>
</tbody>
</table>

\textsuperscript{12} Executive Level 2 base salary median.
\textsuperscript{13} APS Level 3 salary median.
Average cost per FOI request

The average staff days per request ranged across agencies from 0.05 to 29.2 days in 2014–15. The overall average was 2.2 days. The average was 2.9 days in 2013–14, 3.4 days in 2012–13 and 3.1 days in 2011–12. The average cost per request ranged across agencies from $29 to $21,164. The overall average was $1126, a decrease of 23.4% on the previous year’s average of $1470.

Table 8.22 lists the agencies/ministers that recorded an average cost of less than $200 per request received in 2014–15.

Table 8.22 Agencies/ministers with average cost per request less than $200

<table>
<thead>
<tr>
<th>Agency</th>
<th>Requests received</th>
<th>Average cost per request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Official Secretary to the Governor-General</td>
<td>11</td>
<td>$29</td>
</tr>
<tr>
<td>Federal Circuit Court of Australia</td>
<td>2</td>
<td>$30</td>
</tr>
<tr>
<td>Tax Practitioners Board</td>
<td>21</td>
<td>$33</td>
</tr>
<tr>
<td>Migration Review Tribunal</td>
<td>1062</td>
<td>$42</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>5</td>
<td>$51</td>
</tr>
<tr>
<td>Refugee Review Tribunal</td>
<td>766</td>
<td>$57</td>
</tr>
<tr>
<td>Defence Force Remuneration Tribunal</td>
<td>1</td>
<td>$59</td>
</tr>
<tr>
<td>Independent Hospital Pricing Authority</td>
<td>1</td>
<td>$59</td>
</tr>
<tr>
<td>Remuneration Tribunal</td>
<td>1</td>
<td>$59</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>5</td>
<td>$64</td>
</tr>
<tr>
<td>Aboriginal Hostels Limited</td>
<td>2</td>
<td>$73</td>
</tr>
<tr>
<td>Tourism Australia</td>
<td>2</td>
<td>$79</td>
</tr>
<tr>
<td>Office of the Aged Care Commissioner</td>
<td>2</td>
<td>$116</td>
</tr>
<tr>
<td>Commonwealth Superannuation Corporation (previously ARIA)</td>
<td>2</td>
<td>$131</td>
</tr>
<tr>
<td>Veterans’ Review Board</td>
<td>7</td>
<td>$131</td>
</tr>
<tr>
<td>Office of the Independent National Security Legislation Monitor (INSLM)</td>
<td>1</td>
<td>$178</td>
</tr>
</tbody>
</table>

Table 8.23 lists the agencies that recorded an average cost of more than $10,000 per request received in 2014–15.
### Table 8.23 Agencies with average cost per request greater than $10,000

<table>
<thead>
<tr>
<th>Agency</th>
<th>Requests received</th>
<th>Average cost per request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great Barrier Reef Marine Park Authority</td>
<td>8</td>
<td>$21,164</td>
</tr>
<tr>
<td>Infrastructure Australia</td>
<td>5</td>
<td>$20,301</td>
</tr>
<tr>
<td>Australian Trade Commission (Austrade)</td>
<td>14</td>
<td>$19,479</td>
</tr>
<tr>
<td>Australian War Memorial</td>
<td>3</td>
<td>$16,877</td>
</tr>
<tr>
<td>National Native Title Tribunal</td>
<td>1</td>
<td>$13,134</td>
</tr>
<tr>
<td>Commonwealth Scientific and Industrial Research Organisation (CSIRO)</td>
<td>25</td>
<td>$12,746</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>2</td>
<td>$11,725</td>
</tr>
<tr>
<td>National Film and Sound Archive of Australia</td>
<td>2</td>
<td>$11,675</td>
</tr>
<tr>
<td>Patent Office</td>
<td>1</td>
<td>$11,426</td>
</tr>
<tr>
<td>Inspector-General of Taxation</td>
<td>1</td>
<td>$10,182</td>
</tr>
</tbody>
</table>

In 2014–15 the highest average cost per request was $21,164, compared to $31,837 in 2013–14.

### Impact of the Information Publication Scheme on agency resources

Agencies are required to provide information about the costs of meeting their obligations under the IPS, which commenced on 1 May 2011. Further information about the IPS is given in Chapter Seven: FOI policy and compliance.

The total reported cost attributable to compliance with the IPS in 2014–15 was $711,209, 58.3% less than in 2013–14 ($1.705 million).

### Staff costs


#### Table 8.24 Total IPS staffing

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff numbers: 75–100% time on IPS matters</td>
<td>20</td>
<td>17</td>
<td>5</td>
<td>-70.6%</td>
</tr>
<tr>
<td>Staff numbers: less than 75% time on IPS matters</td>
<td>529</td>
<td>415</td>
<td>240</td>
<td>-42.2%</td>
</tr>
<tr>
<td>Total staff hours</td>
<td>46,959</td>
<td>26,116</td>
<td>10,696</td>
<td>-59.0%</td>
</tr>
<tr>
<td>Total staff years</td>
<td>23.5</td>
<td>13.1</td>
<td>5.3</td>
<td>-59.5%</td>
</tr>
</tbody>
</table>
Table 8.25 details the estimated staff costs of IPS for 2014–15, for:

- IPS contact officers (officers whose duties included IPS work)
- Other officers involved in IPS work, including:
  - SES
  - APS Level 6 and EL 1–2
  - APS Levels 1–5.

### Table 8.25 Estimated staff costs of IPS for 2014–15

<table>
<thead>
<tr>
<th>Type of staff</th>
<th>Staff years</th>
<th>Salary costs</th>
<th>Related costs (60%)</th>
<th>Total staff costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPS contact officers</td>
<td>3.1</td>
<td>$233,065</td>
<td>$139,839</td>
<td>$372,904</td>
</tr>
<tr>
<td>SES</td>
<td>0.1</td>
<td>$23,131</td>
<td>$13,878</td>
<td>$37,009</td>
</tr>
<tr>
<td>APS Level 6 and EL 1–2</td>
<td>1.3</td>
<td>$137,339</td>
<td>$82,403</td>
<td>$219,742</td>
</tr>
<tr>
<td>APS Levels 1–5</td>
<td>0.8</td>
<td>$49,917</td>
<td>$29,950</td>
<td>$79,867</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5.3</strong></td>
<td><strong>$443,451</strong></td>
<td><strong>$266,071</strong></td>
<td><strong>$709,522</strong></td>
</tr>
</tbody>
</table>

### Non-labour costs


### Table 8.26 Identified non-labour costs of IPS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General administrative costs</td>
<td>$24,383</td>
<td>$3768</td>
<td>$1287</td>
<td>-65.8%</td>
</tr>
<tr>
<td>General legal advice costs</td>
<td>$31,502</td>
<td>$319</td>
<td>$0</td>
<td>-100%</td>
</tr>
<tr>
<td>Training</td>
<td>$500</td>
<td>$0</td>
<td>$400</td>
<td>+100%</td>
</tr>
<tr>
<td>Other</td>
<td>$57,300</td>
<td>$2878</td>
<td>$0</td>
<td>-100%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$113,685</strong></td>
<td><strong>$6965</strong></td>
<td><strong>$1687</strong></td>
<td><strong>-75.8%</strong></td>
</tr>
</tbody>
</table>

After increasing in 2012–13, IPS general administrative costs and legal advice costs fell again substantially in 2014–15.
OAIC expenditure on FOI functions

For the first half of the 2014–15 year the OAIC had three key functions: information policy, privacy and FOI functions. Although some staff of the OAIC worked in only one of these three areas, many work across two or all three functions. It is difficult to precisely identify the proportion of the OAIC’s activities, and its resources, that are directed towards each function.

From January 2015, in accordance with the proposed legislative change outlined previously, the OAIC’s FOI functions were reduced commensurate with resources.

Consequently, the OAIC estimates that 18% of its resources were directed towards exercising its FOI functions. The OAIC’s total expenditure for the reporting period was $13.430 million (see Appendix 1). Accordingly, the OAIC estimates that it spent approximately $2.417 million on the exercise of its FOI functions in 2014–15 (down 49%).

The OAIC spent $14,158 on processing FOI requests made to the OAIC in 2014–15 (down 67%).
Appendices
Appendix One — Agency resource statement and resources for outcomes

Table A1.1 Office of the Australian Information Commissioner resource statement 2014–15

<table>
<thead>
<tr>
<th></th>
<th>Actual available appropriation for 2014–15 $'000</th>
<th>Payments made 2014–15 $'000</th>
<th>Balance remaining 2014–15 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a)</td>
<td>(b)</td>
<td>(a) — (b)</td>
</tr>
<tr>
<td>Ordinary Annual Services¹</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental appropriation²</td>
<td>16,843</td>
<td>12,283</td>
<td>4,560</td>
</tr>
<tr>
<td>s74 retained receipts³</td>
<td>(462)</td>
<td>0</td>
<td>(462)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16,381</strong></td>
<td><strong>12,283</strong></td>
<td><strong>4,098</strong></td>
</tr>
<tr>
<td>Total ordinary annual services</td>
<td>A</td>
<td>16,381</td>
<td>12,283</td>
</tr>
<tr>
<td>Other Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental non-operating</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equity injections</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td>Total other services</td>
<td>B</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Available Annual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations and payments</td>
<td>16,381</td>
<td>12,283</td>
<td></td>
</tr>
<tr>
<td>Total special appropriations</td>
<td>C</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total special accounts</td>
<td>D</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total resourcing and payments A+B+C+D</strong></td>
<td><strong>16,381</strong></td>
<td><strong>12,283</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total net resourcing and payments for Office of the Australian Information Commissioner</strong></td>
<td><strong>16,381</strong></td>
<td><strong>12,283</strong></td>
<td></td>
</tr>
</tbody>
</table>

2. Includes an amount of $0.020m in 2014–15 for the Departmental Capital Budget. For accounting purposes this amount has been designated as ‘contributions by owners’.
3. Variance represents the difference between the original Budget estimate and actual section 74 retained revenue receipts during the reporting period.
### Table A1.2 Expenses and Resources for Outcome 1

**Expenses for Outcome 1**

**Outcome 1: Provision of public access to Commonwealth Government information, protection of individuals’ personal information, and performance of information commissioner, freedom of information and privacy functions**

<table>
<thead>
<tr>
<th>Programme 1.1: Complaint handling, compliance and monitoring, and education and promotion</th>
<th>Budget* 2014–15 $’000</th>
<th>Actual Expenses 2014–15 $’000</th>
<th>Variation 2014–15 $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental appropriation¹</td>
<td>10,344</td>
<td>11,667</td>
<td>(1,323)</td>
</tr>
<tr>
<td>Expenses not requiring appropriation in the Budget year</td>
<td>842</td>
<td>1,763</td>
<td>(921)</td>
</tr>
<tr>
<td><strong>Total for Programme 1.1</strong></td>
<td><strong>11,186</strong></td>
<td><strong>13,430</strong></td>
<td><strong>(2,244)</strong></td>
</tr>
</tbody>
</table>

**Outcome 1 Totals by appropriation type**

<table>
<thead>
<tr>
<th>Departmental expenses</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental appropriation¹</td>
<td>10,344</td>
<td>11,667</td>
<td>(1,323)</td>
</tr>
<tr>
<td>Expenses not requiring appropriation in the Budget year</td>
<td>842</td>
<td>1,763</td>
<td>(921)</td>
</tr>
<tr>
<td><strong>Total expenses for Outcome 1</strong></td>
<td><strong>11,186</strong></td>
<td><strong>13,430</strong></td>
<td><strong>(2,244)</strong></td>
</tr>
</tbody>
</table>

**2013–14**  **2014–15**

**Average Staffing Level (number)**

|  | 78 | 64 |
Appendix Two — Financial statements 2014–15

Financial statements — contents

Independent Auditor’s Report
Statement by the Accountable Authority and Chief Finance Officer
Statement of Comprehensive Income
Statement of Financial Position
Statement of Changes in Equity
Cash Flow Statement
Schedule of Commitments

Notes to and forming part of the financial statements

Note 1: Summary of Significant Accounting Policies
Note 2: Events After Reporting Period
Note 3: Net Cash Appropriation Arrangements
Note 4: Expenses
Note 5: Own-source Income
Note 6: Fair Value Measurements
Note 7: Financial Assets
Note 8: Non-Financial Assets
Note 9: Payables
Note 10: Non-interest Bearing Liabilities
Note 11: Provisions
Note 12: Cash Flow Reconciliation
Note 13: Contingent Assets and Liabilities
Note 14: Senior Management Personnel Remuneration
Note 15: Financial Instruments
Note 16: Financial Assets Reconciliation
Note 17: Appropriations
Note 18: Reporting of Outcomes
Note 19: Budgetary Reports and Explanations of Major Variances
INDEPENDENT AUDITOR’S REPORT

To the Attorney-General

I have audited the accompanying annual financial statements of the Office of the Australian Information Commissioner for the year ended 30 June 2015, which comprise:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Schedule of Commitments;
- Notes to and forming part of the financial statements comprising a Summary of Significant Accounting Policies and other explanatory information.

Chief Executive’s Responsibility for the Financial Statements

The Chief Executive of the Office of the Australian Information Commissioner is responsible under the Public Governance, Performance and Accountability Act 2013 for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards and the rules made under that Act. The Chief Executive is also responsible for such internal control as is necessary to enable the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor’s Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity’s preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity’s internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Accountable Authority of the entity, as well as evaluating the overall presentation of the financial statements.
I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Independence**

In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

**Opinion**

In my opinion, the financial statements of the Office of the Australian Information Commissioner:

(a) comply with Australian Accounting Standards and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and

(b) present fairly the financial position of the Office of the Australian Information Commissioner as at 30 June 2015 and its financial performance and cash flows for the year then ended.

Australian National Audit Office

[Signature]

Peter Kerr
Executive Director
Delegate of the Auditor-General
Canberra
7 September 2015
Office of the Australian Information Commissioner

FINANCIAL STATEMENTS

STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2015 comply with subsection 42(2) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act), and are based on properly maintained financial records per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Office of the Australian Information Commissioner will be able to pay its debts as and when they fall due.

Timothy Pilgrim
Acting Australian Information Commissioner

Angelena Falk
Chief Financial Officer

7 September 2015

7 September 2015
### Statement of Comprehensive Income

*for the period ended 30 June 2015*

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NET COST OF SERVICES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee benefits</td>
<td>8,725</td>
<td>9,365</td>
</tr>
<tr>
<td>Supplier</td>
<td>2,975</td>
<td>3,294</td>
</tr>
<tr>
<td>Depreciation and amortisation</td>
<td>916</td>
<td>966</td>
</tr>
<tr>
<td>Write-down and impairment of assets</td>
<td>814</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total expenses</strong></td>
<td>13,430</td>
<td>13,634</td>
</tr>
<tr>
<td><strong>Own-Source Income</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Own-source revenue</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale of goods and rendering of services</td>
<td>2,824</td>
<td>2,768</td>
</tr>
<tr>
<td>Other revenue</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td><strong>Total own-source revenue</strong></td>
<td>2,857</td>
<td>2,801</td>
</tr>
<tr>
<td><strong>Gains</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale of assets</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Other gains</td>
<td>19</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total gains</strong></td>
<td>21</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total own-source income</strong></td>
<td>2,878</td>
<td>2,801</td>
</tr>
<tr>
<td><strong>Net cost of services</strong></td>
<td>(10,552)</td>
<td>(10,833)</td>
</tr>
<tr>
<td>Revenue from Government</td>
<td>9,963</td>
<td>10,601</td>
</tr>
<tr>
<td><strong>Deficit attributable to the Australian Government</strong></td>
<td>(589)</td>
<td>(232)</td>
</tr>
<tr>
<td><strong>OTHER COMPREHENSIVE INCOME</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changes in asset revaluation surplus</td>
<td>1</td>
<td>77</td>
</tr>
<tr>
<td><strong>Total other comprehensive income</strong></td>
<td>1</td>
<td>77</td>
</tr>
<tr>
<td><strong>Total comprehensive loss attributable to the Australian Government</strong></td>
<td>(588)</td>
<td>(155)</td>
</tr>
</tbody>
</table>

The above statement should be read in conjunction with the accompanying notes.
## Statement of Financial Position

*as at 30 June 2015*

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notes</strong> $’000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents 7A</td>
<td>1,243</td>
<td>1,115</td>
</tr>
<tr>
<td>Trade and other receivables 7B</td>
<td>3,721</td>
<td>3,261</td>
</tr>
<tr>
<td><strong>Total financial assets</strong></td>
<td>4,964</td>
<td>4,376</td>
</tr>
<tr>
<td>Non-financial Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure, plant and equipment 8A,B</td>
<td>1,638</td>
<td>2,908</td>
</tr>
<tr>
<td>Intangibles 8C,D</td>
<td>1,050</td>
<td>1,427</td>
</tr>
<tr>
<td>Other non-financial assets 8E</td>
<td>61</td>
<td>51</td>
</tr>
<tr>
<td><strong>Total non-financial assets</strong></td>
<td>2,749</td>
<td>4,386</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>7,713</td>
<td>8,762</td>
</tr>
<tr>
<td><strong>LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payables</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suppliers 9A</td>
<td>1,023</td>
<td>819</td>
</tr>
<tr>
<td>Other payables 9B</td>
<td>1,336</td>
<td>1,328</td>
</tr>
<tr>
<td><strong>Total payables</strong></td>
<td>2,359</td>
<td>2,147</td>
</tr>
<tr>
<td>Non-interest Bearing Liabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease incentives 10A</td>
<td>1,454</td>
<td>1,695</td>
</tr>
<tr>
<td><strong>Total non-interest bearing liabilities</strong></td>
<td>1,454</td>
<td>1,695</td>
</tr>
<tr>
<td><strong>Provisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee provisions 11A</td>
<td>1,791</td>
<td>2,243</td>
</tr>
<tr>
<td><strong>Total provisions</strong></td>
<td>1,791</td>
<td>2,243</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>5,604</td>
<td>6,085</td>
</tr>
<tr>
<td><strong>Net assets</strong></td>
<td>2,109</td>
<td>2,677</td>
</tr>
<tr>
<td><strong>EQUITY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributed equity</td>
<td>1,993</td>
<td>1,973</td>
</tr>
<tr>
<td>Reserves</td>
<td>133</td>
<td>132</td>
</tr>
<tr>
<td>Retained earnings</td>
<td>(17)</td>
<td>572</td>
</tr>
<tr>
<td><strong>Total equity</strong></td>
<td>2,109</td>
<td>2,677</td>
</tr>
</tbody>
</table>

The above statement should be read in conjunction with the accompanying notes.
Statement of Changes in Equity  
for the period ended 30 June 2015

<table>
<thead>
<tr>
<th></th>
<th>Retained earnings</th>
<th>Asset revaluation reserve</th>
<th>Contributed equity</th>
<th>Total equity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015 $'000</td>
<td>2014 $'000</td>
<td>2015 $'000</td>
<td>2014 $'000</td>
</tr>
<tr>
<td>Opening balance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance carried forward from previous period</td>
<td>572</td>
<td>804</td>
<td>132</td>
<td>55</td>
</tr>
<tr>
<td>Adjustment for changes in accounting policies</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Adjusted opening balance</td>
<td>572</td>
<td>804</td>
<td>132</td>
<td>55</td>
</tr>
<tr>
<td>Comprehensive income</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deficit for the period</td>
<td>(589)</td>
<td>(232)</td>
<td>1</td>
<td>77</td>
</tr>
<tr>
<td>Other comprehensive income</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total comprehensive income</td>
<td>(589)</td>
<td>(232)</td>
<td>1</td>
<td>77</td>
</tr>
<tr>
<td>Transactions with owners</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributions by owners</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental capital budget</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sub-total transactions with owners</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Closing balance attributable to the Australian Government</td>
<td>(17)</td>
<td>572</td>
<td>133</td>
<td>132</td>
</tr>
</tbody>
</table>

The above statement should be read in conjunction with the accompanying notes.
## Cash Flow Statement

*for the period ended 30 June 2015*

<table>
<thead>
<tr>
<th>Notes</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S’000</td>
<td>S’000</td>
</tr>
</tbody>
</table>

### OPERATING ACTIVITIES

#### Cash received
- Appropriations: 7,791
- Cash transferred from the Official Public Account: 5,306
- Sales of goods and rendering of services: 2,773
- Net GST received: 209

**Total cash received**: 16,079

#### Cash used
- Employees: (9,237)
- Suppliers: (3,256)
- Section 74 receipts transferred to the Official Public Account: (3,399)

**Total cash used**: (15,892)

**Net cash from operating activities**: 12

### INVESTING ACTIVITIES

#### Cash used
- Purchase of infrastructure, plant and equipment: (4)
- Purchase of intangibles: (77)

**Total cash used**: (81)

**Net cash used by investing activities**: (81)

### FINANCING ACTIVITIES

#### Cash received
- Contributed equity: 22

**Total cash received**: 22

**Net cash received from financing activities**: 22

### Net increase in cash held
- **Cash and cash equivalents at the beginning of the reporting period**: 1,115
- **Cash and cash equivalents at the end of the reporting period**: 7A 1,243

The above statement should be read in conjunction with the accompanying notes.
### Schedule of Commitments

*as at 30 June 2015*

<table>
<thead>
<tr>
<th>BY TYPE</th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commitments receivable</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other commitments</td>
<td>(4,226)</td>
<td>(1,633)</td>
</tr>
<tr>
<td>Net GST recoverable on commitments</td>
<td>(282)</td>
<td>(665)</td>
</tr>
<tr>
<td><strong>Total commitments receivable</strong></td>
<td>(4,508)</td>
<td>(2,296)</td>
</tr>
<tr>
<td><strong>Commitments payable</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other commitments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating leases</td>
<td>7,330</td>
<td>8,170</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
<td>762</td>
</tr>
<tr>
<td><strong>Total other commitments</strong></td>
<td>7,330</td>
<td>8,932</td>
</tr>
<tr>
<td><strong>Total commitments payable</strong></td>
<td>7,330</td>
<td>8,932</td>
</tr>
<tr>
<td><strong>Net commitments by type</strong></td>
<td>2,822</td>
<td>6,636</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BY MATURITY</th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commitments receivable</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Commitments receivable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within one year</td>
<td>(3,946)</td>
<td>(1,552)</td>
</tr>
<tr>
<td>Between one to five years</td>
<td>(562)</td>
<td>(626)</td>
</tr>
<tr>
<td>More than five years</td>
<td>-</td>
<td>(118)</td>
</tr>
<tr>
<td><strong>Total Other Commitments receivable</strong></td>
<td>(4,508)</td>
<td>(2,296)</td>
</tr>
<tr>
<td><strong>Commitments payable</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating lease commitments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within one year</td>
<td>1,147</td>
<td>1,088</td>
</tr>
<tr>
<td>Between one to five years</td>
<td>6,183</td>
<td>5,789</td>
</tr>
<tr>
<td>More than five years</td>
<td>-</td>
<td>1,293</td>
</tr>
<tr>
<td><strong>Total operating lease commitments</strong></td>
<td>7,330</td>
<td>8,170</td>
</tr>
<tr>
<td>Other Commitments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within one year</td>
<td>-</td>
<td>762</td>
</tr>
<tr>
<td><strong>Total other commitments</strong></td>
<td>-</td>
<td>762</td>
</tr>
<tr>
<td><strong>Total commitments payable</strong></td>
<td>7,330</td>
<td>8,932</td>
</tr>
<tr>
<td><strong>Net commitments by maturity</strong></td>
<td>2,822</td>
<td>6,636</td>
</tr>
</tbody>
</table>

Note: Commitments are GST inclusive where relevant

<table>
<thead>
<tr>
<th>Nature of Leases/General Description</th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Operating leases included are effectively non-cancellable and comprise:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Leases for office accommodation</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease payments are subject to fixed annual rental increases. The initial periods of accommodation are still current and there are two options in the lease agreement to renew.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Agreements for the provision of motor vehicles to senior executive officers</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No contingent rentals exist and there are no renewal or purchase options available to the OAIC.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Lease agreement in relation to the provision of desktop computer equipment and printers</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The lessor provides all desktop computer equipment and software. The lease agreement allows for variations to the duration of the rental period and to the equipment being provided.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Other commitments</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consists of agreements with other entities for the provision of goods and services, outgoings and agreements equally proportionately unperformed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above statement should be read in conjunction with the accompanying notes.
1.1 Objectives of the Office of the Australian Information Commissioner

The Office of the Australian Information Commissioner (OAIC) is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the OAIC is to promote and uphold information privacy and information access rights through organisational excellence.

In the 2014–15 Budget, the Australian Government announced its decision to set up new arrangements for privacy and FOI regulation to streamline and reduce complexity and duplication in the current system. The Freedom of Information Amendment (New Arrangements) Bill 2014 reflecting the new arrangements is currently before the Senate.

The continued existence of the OAIC in its present form and with its present programs is dependent on Government policy and on continuing funding by Parliament for the OAIC’s administration and programs. The Government announced in the 2015-16 Budget that the OAIC would be funded and continue in its present form and with its present programs until 30 June 2016.

The OAIC is structured to meet the following outcome:

Provision of public access to Commonwealth Government information, protection of individuals' personal information, and performance of information commissioner, freedom of information and privacy functions.

OAIC activities contributing toward these outcomes are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the OAIC in its own right. Administered activities involve the management or oversight by the OAIC, on behalf of the Government, of items controlled or incurred by the Government. The OAIC has no administered activities.

During 2012-13 additional legal advice was received that indicated there could be breaches of Section 83 of the Constitution under certain circumstances with payments for long service leave, goods and services tax and payments under determinations of the Remuneration Tribunal. The OAIC has reviewed its processes and controls over payments for these items to minimise the possibility for future breaches as a result of these payments. The OAIC has determined that there is a low risk of the certain circumstances mentioned in the legal advice applying to the OAIC. The OAIC is not aware of any specific breaches of Section 83 of the Constitution in respect of these items.

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in Williams v Commonwealth [2014] HCA 23, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 42 of the Public Governance, Performance and Accountability Act 2013.

The financial statements have been prepared in accordance with:

a) Financial Reporting Rule (FRR) for reporting periods ending on or after 1 July 2014; and
b) Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.
1.2 Basis of Preparation of the Financial Statements

The financial statements have been prepared on a basis of accrual accounting and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FRR, assets and liabilities are recognised in the statement of financial position when and only when it is probable that future economic benefits will flow to the OAIC or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executory contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the contingencies note.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the Statement of Comprehensive Income when and only when the flow of economic benefits has occurred and can be reliably measured.

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the OAIC has made the following judgements that have the most significant impact on the amounts recorded in the financial statements: the fair value of infrastructure, plant and equipment has been taken to be the market value of similar assets as determined by an independent valuer; the relevant government bond rate has been used to discount non-current liabilities in accordance with the FRR; and the long service leave has been estimated in accordance with the FRR taking into account expected salary growth, attrition and future discounting using the government bond rate.

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standard Requirements

No accounting standard has been adopted earlier than the application date as stated in the standard.

The following new standard was issued prior to the signing of the statement by the accountable authority and chief financial officer, was applicable to the current reporting period and had a disclosure impact on the OAIC’s financial statements:

<table>
<thead>
<tr>
<th>Standard/ Interpretation</th>
<th>Nature of change in accounting policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>AASB 1055 – Budgetary Reporting – March 2013 (Principal)</td>
<td>Requires reporting of budgetary information by not-for-profit entities within the General Government Sector (however, comparative information is not required). In particular: - original budget presented to Parliament; - variance of actuals from budget; and - explanations of significant variances.</td>
</tr>
</tbody>
</table>

All other new, revised and amending standards and interpretations that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect, and are not expected to have a future material effect, on the OAIC’s financial statements.
Note 1: Summary of Significant Accounting Policies (continued)

Future Australian Accounting Standard Requirements
The following new, revised and amending standards and interpretations were issued by the Australian Accounting Standards Board prior to the signing of the statement by the accountable authority and chief financial officer, which are expected to have a material impact on the OAIC’s financial statements for future reporting period(s):

<table>
<thead>
<tr>
<th>Standard/ Interpretation</th>
<th>Application date for the OAIC</th>
<th>Nature of impending change/s in accounting policy and likely impact on initial application</th>
</tr>
</thead>
<tbody>
<tr>
<td>AASB 15 Revenue from Contracts with Customers</td>
<td>1 January 2017</td>
<td>AASB 15: - Establishes principles for reporting information about the nature, amount, timing and uncertainty of revenue and cash flows arising from an entity’s contracts with customers, with revenue recognised as ‘performance obligations’ are satisfied; and - will apply to contracts of NFP entities that are exchange transactions. AASB 1004 Contributions will continue to apply to non-exchange transactions until the Income for NFP project is completed.</td>
</tr>
<tr>
<td>AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15</td>
<td>1 January 2017</td>
<td>Amends various AASs to incorporate the consequential amendments arising from the issuance of AASB 15.</td>
</tr>
<tr>
<td>AASB 9 Financial Instruments</td>
<td>1 January 2018</td>
<td>AASB 9 was reissued in December 2014 and now incorporates: - the classification and measurement requirements for financial assets (including limited amendments) and for financial liabilities, and the recognition and derecognition requirements for financial instruments (representing the first phase of the three phase project that replaces AASB 139); - requirements for impairment of financial assets (representing the second phase); and - hedge accounting (representing the third phase).</td>
</tr>
<tr>
<td>AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 &amp; 1038 and Interpretations 2, 5, 10, 12, 19 &amp; 127]</td>
<td>1 January 2018</td>
<td>The requirements for classifying and measuring financial liabilities were added to AASB 9. The existing requirements for the classification of financial liabilities and the ability to use the fair value option have been retained. However, where the fair value option is used for financial liabilities the change in fair value is accounted for as follows: - The change attributable to changes in credit risk are presented in other comprehensive income (OCI). - The remaining change is presented in profit or loss. If this approach creates or enlarges an accounting mismatch in the profit or loss, the effect of the changes in credit risk are also presented in profit or loss.</td>
</tr>
<tr>
<td>AASB 2014-1 Amendments to</td>
<td>1 January 2018</td>
<td>Amends various AASs to reflect the AASB’s decision to defer the mandatory application date</td>
</tr>
</tbody>
</table>
### Note 1: Summary of Significant Accounting Policies (continued)

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Accounting Standards [Part E Financial Instruments]</td>
<td></td>
<td>of AASB 9 to annual reporting periods beginning on or after 1 January 2018; as a consequence of Chapter 6 Hedge Accounting; and to amend reduced disclosure requirements.</td>
</tr>
<tr>
<td>AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)</td>
<td>1 January 2018</td>
<td>Amends various AASs to incorporate the consequential amendments arising from the issuance of AASB 9.</td>
</tr>
</tbody>
</table>

1. The OAIC’s expected initial application date is when the accounting standard becomes operative at the beginning of the OAIC’s reporting period.

All other new, revised and amending standards and interpretations that were issued prior to the sign-off date and are applicable to future reporting periods are not expected to have a future material impact on the OAIC’s financial statements.

### 1.5 Revenue

Revenue from the sale of goods is recognised when:
- the risks and rewards of ownership have been transferred to the buyer;
- the OAIC retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the OAIC.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:
- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits associated with the transaction will flow to the OAIC.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

**Revenue from Government**

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the OAIC gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

**Resources Received Free of Charge**

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

### 1.6 Gains

#### Sale of Assets

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

**Other Gains**

Gains on the reduction of prior year provisions are recognised at their nominal value as gains when, and only when, the original provision for services has been determined to no longer be required.
Office of the Australian Information Commissioner  
Notes to and forming part of the financial statements  
for the period ended 30 June 2015

Note 1: Summary of Significant Accounting Policies (continued)

1.7 Transactions with the Government as Owner

Equity Injections
Amounts appropriated which are designated as ‘equity injections’ for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Other Distributions to Owners
The FRR requires distributions to owners be debited to contributed equity unless it is in the nature of a dividend.

1.8 Employee Benefits

Liabilities for ‘short-term employee benefits’ (as defined in AASB 119 Employee Benefits) and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave
The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leaves is non-vesting and the average sick leave taken in future years by employees of the OAIC is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees’ remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the OAIC’s employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2015. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy
Provision is made for separation and redundancy benefit payments. The OAIC recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Superannuation
The OAIC's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance’s administered schedules and notes.

The OAIC makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The OAIC accounts for the contributions as if they were contributions to defined contribution plans.
1.9 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount. The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

1.10 Fair Value Measurement

The OAIC deems transfers between levels of the fair value hierarchy to have occurred at the end of the reporting period. There were no transfers in or out of any levels during the reporting period.

1.11 Cash

Cash is recognised at its nominal amount. Cash and cash equivalents includes:
   a) cash on hand; and
   b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value;

1.12 Financial Assets

The OAIC classifies its financial assets as Receivables.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon trade date.

Receivables
Trade receivables and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as ‘Receivables’. Receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Impairment of Financial Assets
Financial assets are assessed for impairment at the end of each reporting period.

Financial assets held at cost - if there is objective evidence that an impairment loss has been incurred, the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

1.13 Financial Liabilities

Financial liabilities are classified as ‘other financial liabilities’. Financial liabilities are recognised and derecognised upon ‘trade date’.
Note 1: Summary of Significant Accounting Policies (continued)

Other Financial Liabilities

Other financial liabilities are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.14 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.15 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor’s accounts immediately prior to the restructuring.

1.16 Infrastructure, Plant and Equipment

Asset Recognition Threshold

Purchases of infrastructure, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than $2,000 which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to ‘make good’ provisions in property leases taken up by the entity where there exists an obligation to restore the property to its original condition. These costs are included in the value of the OAIC’s leasehold improvements with a corresponding provision for the ‘make good’ recognised.

Revaluations

Following initial recognition at cost, infrastructure, plant and equipment is carried at fair value. Valuations were conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets’ fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets. Revaluation adjustments were made on a class basis. Any revaluation increment was credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets were recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date was eliminated against the gross carrying amount of the asset and the asset was restated to the revalued amount.
Note 1: Summary of Significant Accounting Policies (continued)

Depreciation
Depreciable infrastructure, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the OAIC using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

<table>
<thead>
<tr>
<th>Asset Type</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasehold improvements</td>
<td>Lease term</td>
<td>Lease term</td>
</tr>
<tr>
<td>Computer, Plant and equipment</td>
<td>4 to 10 years</td>
<td>4 to 10 years</td>
</tr>
</tbody>
</table>

Impairment
All assets were assessed for impairment at 30 June 2015. Where indications of impairment exist, the asset’s recoverable amount is estimated and an impairment adjustment made if the asset’s recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset’s ability to generate future cash flows, and the asset would be replaced if the OAIC were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition
An item of infrastructure, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

1.17 Intangibles

The OAIC’s intangibles comprise internally developed software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the OAIC’s software are 2 to 5 years (2014: 2 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2015.

1.18 Taxation

The OAIC is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

a) where the amount of GST incurred is not recoverable from the Australian Taxation Office; and

b) for receivables and payables.

Note 2: Events After Reporting Period

The OAIC is not aware of any significant events that have occurred since balance date that warrant disclosure in these financial statements.
Note 3: Net Cash Appropriation Arrangements

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total comprehensive income (loss)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>less depreciation/amortisation</td>
<td>$328</td>
<td>$811</td>
</tr>
<tr>
<td>expenses previously funded through</td>
<td></td>
<td></td>
</tr>
<tr>
<td>revenue appropriations¹</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plus: depreciation/amortisation</td>
<td>(916)</td>
<td>(966)</td>
</tr>
<tr>
<td>expenses previously funded through</td>
<td></td>
<td></td>
</tr>
<tr>
<td>revenue appropriation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total comprehensive loss per the</td>
<td>(588)</td>
<td>(155)</td>
</tr>
<tr>
<td>Statement of Comprehensive Income</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹. From 2010-11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.
### Note 4: Expenses

#### Note 4A: Employee Benefits

<table>
<thead>
<tr>
<th></th>
<th>2015 ($'000)</th>
<th>2014 ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages and salaries</td>
<td>6,409</td>
<td>7,373</td>
</tr>
<tr>
<td>Superannuation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defined contribution plans</td>
<td>614</td>
<td>710</td>
</tr>
<tr>
<td>Defined benefit plans</td>
<td>446</td>
<td>597</td>
</tr>
<tr>
<td>Leave and other entitlements</td>
<td>673</td>
<td>635</td>
</tr>
<tr>
<td>Separation and redundancies</td>
<td>540</td>
<td>26</td>
</tr>
<tr>
<td>Other employee expenses</td>
<td>43</td>
<td>24</td>
</tr>
<tr>
<td><strong>Total employee benefits</strong></td>
<td><strong>8,725</strong></td>
<td><strong>9,365</strong></td>
</tr>
</tbody>
</table>

#### Note 4B: Suppliers

**Goods and services supplied or rendered**

<table>
<thead>
<tr>
<th>Description</th>
<th>2015 ($'000)</th>
<th>2014 ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance</td>
<td>22</td>
<td>18</td>
</tr>
<tr>
<td>Office consumables</td>
<td>20</td>
<td>41</td>
</tr>
<tr>
<td>Official travel</td>
<td>179</td>
<td>197</td>
</tr>
<tr>
<td>Printing and publications</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Professional services and fees</td>
<td>1,433</td>
<td>1,463</td>
</tr>
<tr>
<td>Property outgoings</td>
<td>290</td>
<td>277</td>
</tr>
<tr>
<td>Reference materials, subscriptions and licences</td>
<td>126</td>
<td>107</td>
</tr>
<tr>
<td>Staff training</td>
<td>77</td>
<td>133</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>58</td>
<td>108</td>
</tr>
<tr>
<td>Other</td>
<td>53</td>
<td>67</td>
</tr>
<tr>
<td><strong>Total goods and services supplied or rendered</strong></td>
<td><strong>2,267</strong></td>
<td><strong>2,420</strong></td>
</tr>
</tbody>
</table>

**Goods supplied in connection with**

<table>
<thead>
<tr>
<th>Description</th>
<th>2015 ($'000)</th>
<th>2014 ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related entities</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>External parties</td>
<td>163</td>
<td>174</td>
</tr>
<tr>
<td><strong>Total goods supplied</strong></td>
<td><strong>164</strong></td>
<td><strong>176</strong></td>
</tr>
</tbody>
</table>

**Services rendered in connection with**

<table>
<thead>
<tr>
<th>Description</th>
<th>2015 ($'000)</th>
<th>2014 ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related entities</td>
<td>1,284</td>
<td>1,347</td>
</tr>
<tr>
<td>External parties</td>
<td>819</td>
<td>897</td>
</tr>
<tr>
<td><strong>Total services rendered</strong></td>
<td><strong>2,103</strong></td>
<td><strong>2,244</strong></td>
</tr>
</tbody>
</table>

**Total goods and services supplied or rendered**

<table>
<thead>
<tr>
<th>Description</th>
<th>2015 ($'000)</th>
<th>2014 ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total suppliers</strong></td>
<td><strong>2,975</strong></td>
<td><strong>3,294</strong></td>
</tr>
</tbody>
</table>

**Other suppliers**

- Operating lease rentals in connection with
  - Related parties
    - Sublease: 680 ($'000) 827 ($'000)
    - Workers compensation expenses: 28 ($'000) 47 ($'000)
  - Total other suppliers: 708 ($'000) 874 ($'000)

<table>
<thead>
<tr>
<th>Description</th>
<th>2015 ($'000)</th>
<th>2014 ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total suppliers</strong></td>
<td><strong>2,975</strong></td>
<td><strong>3,294</strong></td>
</tr>
</tbody>
</table>
Office of the Australian Information Commissioner
Notes to and forming part of the financial statements
for the period ended 30 June 2015

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td><strong>Note 4C: Depreciation and Amortisation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Depreciation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure, plant and equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computer, plant and equipment</td>
<td>140</td>
<td>128</td>
</tr>
<tr>
<td>Total depreciation</td>
<td>140</td>
<td>128</td>
</tr>
<tr>
<td><strong>Amortisation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure, plant and equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leasehold improvements</td>
<td>321</td>
<td>312</td>
</tr>
<tr>
<td>Intangibles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computer software</td>
<td>455</td>
<td>526</td>
</tr>
<tr>
<td>Total amortisation</td>
<td>776</td>
<td>838</td>
</tr>
<tr>
<td>Total depreciation and amortisation</td>
<td>916</td>
<td>966</td>
</tr>
<tr>
<td><strong>Note 4D: Write-Down and Impairment of Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset write-downs and impairments from</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impairment of infrastructure, plant and equipment</td>
<td>814</td>
<td>9</td>
</tr>
<tr>
<td>Total write-down and impairment of assets</td>
<td>814</td>
<td>9</td>
</tr>
</tbody>
</table>
**Note 5: Own-Source Income**

<table>
<thead>
<tr>
<th>OWN-SOURCE REVENUE</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$’000</td>
<td>$’000</td>
</tr>
</tbody>
</table>

**Note 5A: Sale of Goods and Rendering of Services**

Rendering of services in connection with

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related entities</td>
<td>2,709</td>
<td>2,631</td>
</tr>
<tr>
<td>External parties</td>
<td>115</td>
<td>137</td>
</tr>
<tr>
<td><strong>Total rendering of services</strong></td>
<td><strong>2,824</strong></td>
<td><strong>2,768</strong></td>
</tr>
<tr>
<td><strong>Total sale of goods and rendering of services</strong></td>
<td><strong>2,824</strong></td>
<td><strong>2,768</strong></td>
</tr>
</tbody>
</table>

**Note 5B: Other Revenue**

Resources received free of charge

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remuneration of auditors</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td><strong>Total other revenue</strong></td>
<td>33</td>
<td>33</td>
</tr>
</tbody>
</table>

**GAINS**

**Note 5C: Gains from Sale of Assets**

Infrastructure, plant and equipment

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from sale</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total gains from sale of assets</strong></td>
<td><strong>2</strong></td>
<td><strong>-</strong></td>
</tr>
</tbody>
</table>

**Note 5D: Other Gains**

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gain on reduction of prior year accruals</td>
<td>19</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total other gains</strong></td>
<td>19</td>
<td>-</td>
</tr>
</tbody>
</table>

**REVENUE FROM GOVERNMENT**

**Note 5E: Revenue from Government**

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental appropriations</td>
<td>9,963</td>
<td>10,601</td>
</tr>
<tr>
<td><strong>Total revenue from Government</strong></td>
<td><strong>9,963</strong></td>
<td><strong>10,601</strong></td>
</tr>
</tbody>
</table>
Office of the Australian Information Commissioner  
Notes to and forming part of the financial statements  
for the period ended 30 June 2015

**Note 6: Fair Value Measurements**

The following tables provide an analysis of assets and liabilities that are measured at fair value. The different levels of the fair value hierarchy are defined below.

- **Level 1**: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at measurement date.
- **Level 2**: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.
- **Level 3**: Unobservable inputs for the asset or liability.

**Note 6A: Fair Value Measurements, Valuation Technique and Inputs used**

<table>
<thead>
<tr>
<th>Category</th>
<th>2015 $'000</th>
<th>2014 $'000</th>
<th>(Level 1, 2 or 3)</th>
<th>Valuation Technique</th>
<th>Inputs Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure, plant and equipment</td>
<td>1,638</td>
<td>2,908</td>
<td>2</td>
<td>Market Approach</td>
<td>Market replacement cost less estimate of written down value of asset used</td>
</tr>
</tbody>
</table>

| Total non-financial assets      | 1,638      | 2,908      |                   |                      |                                         |
| Total fair value measurements of assets in the statement of financial position | 1,638      | 2,908      |                   |                      |                                         |

**Fair value measurements**  
There were no NFAs where the highest and best use differed from its current use during the reporting period.

**Note 6B: Level 1 and Level 2 Transfers for Recurring Fair Value Measurements**  
The OAIC made no transfers between level 1 and level 2 for recurring fair value measurements during the reporting period.

**The OAIC's policy for determining when transfers between the levels are deemed to have occurred can be found in Note 1.**

**Note 6C: Reconciliation of Recurring Level 3 Fair Value Measurements**  
The OAIC had no recurring level 3 fair value measurements for assets or liabilities during the reporting period.

**The OAIC's policy for determining when transfers between the levels are deemed to have occurred can be found in Note 1.**
### Note 7: Financial Assets

#### Note 7A: Cash and Cash Equivalents

<table>
<thead>
<tr>
<th>Description</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash on hand or on deposit</td>
<td>1,243</td>
<td>1,115</td>
</tr>
<tr>
<td><strong>Total cash and cash equivalents</strong></td>
<td>1,243</td>
<td>1,115</td>
</tr>
</tbody>
</table>

#### Note 7B: Trade and Other Receivables

<table>
<thead>
<tr>
<th>Description</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goods and services receivables in connection with</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Related entities</td>
<td>865</td>
<td>661</td>
</tr>
<tr>
<td>External parties</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total goods and services receivables</strong></td>
<td>866</td>
<td>663</td>
</tr>
<tr>
<td>Appropriations receivables</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing programs</td>
<td>2,855</td>
<td>2,592</td>
</tr>
<tr>
<td><strong>Total appropriations receivable</strong></td>
<td>2,855</td>
<td>2,592</td>
</tr>
<tr>
<td><strong>Other receivables</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GST receivable from the Australian Taxation Office</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total other receivables</strong></td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total trade and other receivables (gross)</strong></td>
<td>3,721</td>
<td>3,261</td>
</tr>
</tbody>
</table>

**Trade and other receivables (net) expected to be recovered**

<table>
<thead>
<tr>
<th>Description</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>No more than 12 months</td>
<td>3,721</td>
<td>3,261</td>
</tr>
<tr>
<td><strong>Total trade and other receivables (net)</strong></td>
<td>3,721</td>
<td>3,261</td>
</tr>
</tbody>
</table>

**Trade and other (gross) receivables aged as follows**

<table>
<thead>
<tr>
<th>Description</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not overdue</td>
<td>3,720</td>
<td>3,260</td>
</tr>
<tr>
<td>Overdue by:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 30 days</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>31 to 60 days</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>61 to 90 days</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>More than 90 days</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total trade and other receivables (gross)</strong></td>
<td>3,721</td>
<td>3,261</td>
</tr>
</tbody>
</table>
Office of the Australian Information Commissioner  
Notes to and forming part of the financial statements  
for the period ended 30 June 2015

**Note 8: Non-Financial Assets**

<table>
<thead>
<tr>
<th></th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Note 8A: Infrastructure, Plant and Equipment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computer, plant and equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fair value</td>
<td>56</td>
<td>302</td>
</tr>
<tr>
<td>Total computer, plant and equipment</td>
<td>56</td>
<td>302</td>
</tr>
<tr>
<td>Leasehold improvements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fair value</td>
<td>1,582</td>
<td>2,606</td>
</tr>
<tr>
<td>Total leasehold improvements</td>
<td>1,582</td>
<td>2,606</td>
</tr>
<tr>
<td>Total infrastructure, plant and equipment</td>
<td>1,638</td>
<td>2,908</td>
</tr>
</tbody>
</table>

No indicators of impairment were found for infrastructure, plant and equipment.
No infrastructure, plant or equipment is expected to be sold or disposed of within the next 12 months.

**Revaluations of non-financial assets**
All revaluations were conducted in accordance with the revaluation policy stated at Note 1. On 30 June 2015, an independent valuer conducted the revaluations.

A revaluation decrement of $14 for leasehold improvements (2014: $41,525 increment) was debited to the asset revaluation reserve and a revaluation increment of $1,055 for computer, plant and equipment (2014: $35,366 increment) was credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet; no increments/decrements were expensed in the current reporting period.

**Note 8B: Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment 2015**

<table>
<thead>
<tr>
<th></th>
<th>2014 $'000</th>
<th>2015 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>As at 1 July 2014</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>302</td>
<td>2,606</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total as at 1 July 2014</strong></td>
<td>302</td>
<td>2,606</td>
</tr>
<tr>
<td><strong>Additions:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By purchase</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Revaluations recognised in other comprehensive income</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Depreciation/Amortisation expense</td>
<td>(140)</td>
<td>(321)</td>
</tr>
<tr>
<td>Impairment of assets</td>
<td>(76)</td>
<td>(703)</td>
</tr>
<tr>
<td>Disposals:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>(35)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total as at 30 June 2015</strong></td>
<td>56</td>
<td>1,582</td>
</tr>
</tbody>
</table>

Net book value as of 30 June 2015 represented by:

<table>
<thead>
<tr>
<th></th>
<th>2014 $'000</th>
<th>2015 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross book value</td>
<td>56</td>
<td>1,582</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total as at 30 June 2015</strong></td>
<td>56</td>
<td>1,582</td>
</tr>
</tbody>
</table>
### Note 8B: Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment 2014

<table>
<thead>
<tr>
<th></th>
<th>Computer, plant &amp; equipment $’000</th>
<th>Leasehold improvements $’000</th>
<th>Total $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>As at 1 July 2013</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>404</td>
<td>2,876</td>
<td>3,280</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total as at 1 July 2013</strong></td>
<td>404</td>
<td>2,876</td>
<td>3,280</td>
</tr>
<tr>
<td>Additions:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By purchase</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Revaluations recognised in other comprehensive income</td>
<td>35</td>
<td>42</td>
<td>77</td>
</tr>
<tr>
<td>Depreciation/Amortisation expense</td>
<td>(128)</td>
<td>(312)</td>
<td>(440)</td>
</tr>
<tr>
<td>Disposals:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>(9)</td>
<td></td>
<td>(9)</td>
</tr>
<tr>
<td><strong>Total as at 30 June 2014</strong></td>
<td>302</td>
<td>2,606</td>
<td>2,908</td>
</tr>
</tbody>
</table>

**Net book value as of 30 June 2014 represented by:**

<table>
<thead>
<tr>
<th></th>
<th>Computer, plant &amp; equipment $’000</th>
<th>Leasehold improvements $’000</th>
<th>Total $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross book value</td>
<td>302</td>
<td>2,606</td>
<td>2,908</td>
</tr>
<tr>
<td>Accumulated depreciation and impairment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total as at 30 June 2014</strong></td>
<td>302</td>
<td>2,606</td>
<td>2,908</td>
</tr>
</tbody>
</table>

1 Other movements relate to assets written-down (refer Note 4D) and leasehold fit-out refund.

### Note 8C: Intangibles

<table>
<thead>
<tr>
<th></th>
<th>2015 $’000</th>
<th>2014 $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Computer software:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internally developed – in use</td>
<td>2,619</td>
<td>2,541</td>
</tr>
<tr>
<td>Accumulated amortisation</td>
<td>(1,569)</td>
<td>(1,114)</td>
</tr>
<tr>
<td><strong>Total computer software</strong></td>
<td>1,050</td>
<td>1,427</td>
</tr>
<tr>
<td><strong>Total intangibles</strong></td>
<td>1,050</td>
<td>1,427</td>
</tr>
</tbody>
</table>

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.
### Work-in-progress

<table>
<thead>
<tr>
<th></th>
<th>Computer software internally developed - in use</th>
<th>Total $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Work-in-progress</td>
<td></td>
</tr>
<tr>
<td>As at 1 July 2014</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>-</td>
<td>2,541</td>
</tr>
<tr>
<td>Accumulated amortisation and impairment</td>
<td>-</td>
<td>(1,114)</td>
</tr>
<tr>
<td><strong>Total as at 1 July 2014</strong></td>
<td>-</td>
<td>(1,114)</td>
</tr>
<tr>
<td>Additions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>By purchase or internally developed</td>
<td>-</td>
<td>78</td>
</tr>
<tr>
<td>Amortisation</td>
<td>-</td>
<td>(455)</td>
</tr>
<tr>
<td><strong>Total as at 30 June 2015</strong></td>
<td>-</td>
<td>1,050</td>
</tr>
</tbody>
</table>

Net book value as of 30 June 2015 represented by:

<table>
<thead>
<tr>
<th></th>
<th>Computer software internally developed - in use</th>
<th>Total $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Work-in-progress</td>
<td></td>
</tr>
<tr>
<td>As at 1 July 2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>-</td>
<td>2,619</td>
</tr>
<tr>
<td>Accumulated amortisation and impairment</td>
<td>-</td>
<td>(1,569)</td>
</tr>
<tr>
<td><strong>Total as at 1 July 2013</strong></td>
<td>-</td>
<td>(1,569)</td>
</tr>
</tbody>
</table>

Note 8D: Reconciliation of the Opening and Closing Balances of Intangibles 2015

<table>
<thead>
<tr>
<th></th>
<th>Computer software internally developed - in use</th>
<th>Total $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Work-in-progress</td>
<td></td>
</tr>
<tr>
<td>As at 1 July 2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>96</td>
<td>2,427</td>
</tr>
<tr>
<td>Accumulated amortisation and impairment</td>
<td>-</td>
<td>(588)</td>
</tr>
<tr>
<td><strong>Total as at 1 July 2013</strong></td>
<td>96</td>
<td>1,839</td>
</tr>
<tr>
<td>Additions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>By purchase or internally developed</td>
<td>18</td>
<td>-</td>
</tr>
<tr>
<td>Transfer work-in-progress</td>
<td>(114)</td>
<td>114</td>
</tr>
<tr>
<td>Amortisation</td>
<td>-</td>
<td>(526)</td>
</tr>
<tr>
<td><strong>Total as at 30 June 2014</strong></td>
<td>-</td>
<td>1,427</td>
</tr>
</tbody>
</table>

Net book value as of 30 June 2014 represented by:

<table>
<thead>
<tr>
<th></th>
<th>Computer software internally developed - in use</th>
<th>Total $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Work-in-progress</td>
<td></td>
</tr>
<tr>
<td>As at 1 July 2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>-</td>
<td>2,541</td>
</tr>
<tr>
<td>Accumulated amortisation and impairment</td>
<td>-</td>
<td>(1,114)</td>
</tr>
<tr>
<td><strong>Total as at 1 July 2013</strong></td>
<td>-</td>
<td>(1,114)</td>
</tr>
</tbody>
</table>

Note 8D: Reconciliation of the Opening and Closing Balances of Intangibles 2014

<table>
<thead>
<tr>
<th></th>
<th>Computer software internally developed - in use</th>
<th>Total $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Work-in-progress</td>
<td></td>
</tr>
<tr>
<td>As at 1 July 2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>96</td>
<td>2,427</td>
</tr>
<tr>
<td>Accumulated amortisation and impairment</td>
<td>-</td>
<td>(588)</td>
</tr>
<tr>
<td><strong>Total as at 1 July 2013</strong></td>
<td>96</td>
<td>1,839</td>
</tr>
<tr>
<td>Additions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>By purchase or internally developed</td>
<td>18</td>
<td>-</td>
</tr>
<tr>
<td>Transfer work-in-progress</td>
<td>(114)</td>
<td>114</td>
</tr>
<tr>
<td>Amortisation</td>
<td>-</td>
<td>(526)</td>
</tr>
<tr>
<td><strong>Total as at 30 June 2014</strong></td>
<td>-</td>
<td>1,427</td>
</tr>
</tbody>
</table>

Net book value as of 30 June 2014 represented by:

<table>
<thead>
<tr>
<th></th>
<th>Computer software internally developed - in use</th>
<th>Total $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Work-in-progress</td>
<td></td>
</tr>
<tr>
<td>As at 1 July 2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross book value</td>
<td>-</td>
<td>2,541</td>
</tr>
<tr>
<td>Accumulated amortisation and impairment</td>
<td>-</td>
<td>(1,114)</td>
</tr>
<tr>
<td><strong>Total as at 1 July 2013</strong></td>
<td>-</td>
<td>(1,114)</td>
</tr>
</tbody>
</table>

Note 8E: Other Non-Financial Assets

<table>
<thead>
<tr>
<th></th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepayments</td>
<td>61</td>
<td>51</td>
</tr>
<tr>
<td><strong>Total other non-financial assets</strong></td>
<td>61</td>
<td>51</td>
</tr>
</tbody>
</table>

Other non-financial assets expected to be recovered

<table>
<thead>
<tr>
<th></th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>No more than 12 months</td>
<td>61</td>
<td>51</td>
</tr>
<tr>
<td><strong>Total other non-financial assets</strong></td>
<td>61</td>
<td>51</td>
</tr>
</tbody>
</table>

No indicators of impairment were found for other non-financial assets.
**Note 9: Payables**

<table>
<thead>
<tr>
<th></th>
<th>2015 $’000</th>
<th>2014 $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Note 9A: Suppliers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade creditors and accruals</td>
<td>582</td>
<td>443</td>
</tr>
<tr>
<td>Rent payable</td>
<td>441</td>
<td>376</td>
</tr>
<tr>
<td><strong>Total suppliers payable</strong></td>
<td>1,023</td>
<td>819</td>
</tr>
<tr>
<td><strong>Suppliers expected to be settled</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No more than 12 months</td>
<td>582</td>
<td>443</td>
</tr>
<tr>
<td>More than 12 months</td>
<td>441</td>
<td>376</td>
</tr>
<tr>
<td><strong>Total suppliers</strong></td>
<td>1,023</td>
<td>819</td>
</tr>
<tr>
<td><strong>Suppliers in connection with</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Related parties</td>
<td>460</td>
<td>167</td>
</tr>
<tr>
<td>External parties</td>
<td>563</td>
<td>652</td>
</tr>
<tr>
<td><strong>Total suppliers</strong></td>
<td>1,023</td>
<td>819</td>
</tr>
</tbody>
</table>

Settlement is generally made in accordance with the terms of the supplier invoice.

**Note 9B: Other Payables**

<table>
<thead>
<tr>
<th></th>
<th>2015 $’000</th>
<th>2014 $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages and salaries</td>
<td>183</td>
<td>242</td>
</tr>
<tr>
<td>Superannuation</td>
<td>38</td>
<td>43</td>
</tr>
<tr>
<td>Other employee expenses</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>GST Payable</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Revenue received in advance</td>
<td>1,097</td>
<td>1,032</td>
</tr>
<tr>
<td><strong>Total other payables</strong></td>
<td>1,336</td>
<td>1,328</td>
</tr>
</tbody>
</table>

**Other payables expected to be settled in**

<table>
<thead>
<tr>
<th></th>
<th>2015 $’000</th>
<th>2014 $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>No more than 12 months</td>
<td>1,336</td>
<td>1,328</td>
</tr>
<tr>
<td><strong>Total other payables</strong></td>
<td>1,336</td>
<td>1,328</td>
</tr>
</tbody>
</table>
### Note 10: Non-interest Bearing Liabilities

<table>
<thead>
<tr>
<th></th>
<th>2015 ('000)</th>
<th>2014 ('000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Note 10A: Non-interest Bearing Liabilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease incentives¹</td>
<td>1,454</td>
<td>1,695</td>
</tr>
<tr>
<td><strong>Total non-interest bearing liabilities</strong></td>
<td>1,454</td>
<td>1,695</td>
</tr>
</tbody>
</table>

Non-interest bearing liabilities expected to be settled

<table>
<thead>
<tr>
<th></th>
<th>2015 ('000)</th>
<th>2014 ('000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 1 year</td>
<td>246</td>
<td>241</td>
</tr>
<tr>
<td>Between 1 to 5 years</td>
<td>966</td>
<td>966</td>
</tr>
<tr>
<td>More than 5 years</td>
<td>242</td>
<td>488</td>
</tr>
<tr>
<td><strong>Total non-interest bearing liabilities</strong></td>
<td>1,454</td>
<td>1,695</td>
</tr>
</tbody>
</table>

¹ Lease incentive included in property operating lease.

### Note 11: Provisions

<table>
<thead>
<tr>
<th></th>
<th>2015 ('000)</th>
<th>2014 ('000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Note 11A: Employee Provisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leave</td>
<td>1,791</td>
<td>2,243</td>
</tr>
<tr>
<td><strong>Total employee provisions</strong></td>
<td>1,791</td>
<td>2,243</td>
</tr>
</tbody>
</table>

Employee provisions expected to be settled in

<table>
<thead>
<tr>
<th></th>
<th>2015 ('000)</th>
<th>2014 ('000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No more than 12 months</td>
<td>1,381</td>
<td>1,641</td>
</tr>
<tr>
<td>More than 12 months</td>
<td>410</td>
<td>602</td>
</tr>
<tr>
<td><strong>Total employee provisions</strong></td>
<td>1,791</td>
<td>2,243</td>
</tr>
</tbody>
</table>
Note 12: Cash Flow Reconciliation

<table>
<thead>
<tr>
<th></th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconciliation of cash and cash equivalents as per Statement of Financial Position to Cash Flow Statement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents as per:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash flow statement</td>
<td>1,243</td>
<td>1,115</td>
</tr>
<tr>
<td>Statement of Financial Position</td>
<td>1,243</td>
<td>1,115</td>
</tr>
<tr>
<td>Difference</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Reconciliation of net cost of services to net cash from operating activities:

<table>
<thead>
<tr>
<th></th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net cost of services</td>
<td>(10,552)</td>
<td>(10,833)</td>
</tr>
<tr>
<td>Add revenue from Government</td>
<td>9,963</td>
<td>10,601</td>
</tr>
</tbody>
</table>

Adjustments for non-cash items

<table>
<thead>
<tr>
<th></th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depreciation / amortisation</td>
<td>916</td>
<td>966</td>
</tr>
<tr>
<td>Net write down of non-financial assets</td>
<td>814</td>
<td>9</td>
</tr>
<tr>
<td>Unwinding of lease incentive</td>
<td>(241)</td>
<td>(241)</td>
</tr>
</tbody>
</table>

Changes in assets / liabilities

<table>
<thead>
<tr>
<th></th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Increase) / decrease in net receivables</td>
<td>(469)</td>
<td>(971)</td>
</tr>
<tr>
<td>(Increase) / decrease in other financial assets</td>
<td>-</td>
<td>149</td>
</tr>
<tr>
<td>(Increase) / decrease in other non-financial assets</td>
<td>(10)</td>
<td>36</td>
</tr>
<tr>
<td>Increase / (decrease) in employee provisions</td>
<td>(451)</td>
<td>(28)</td>
</tr>
<tr>
<td>Increase / (decrease) in supplier payables</td>
<td>209</td>
<td>135</td>
</tr>
<tr>
<td>Increase / (decrease) in other payables</td>
<td>8</td>
<td>490</td>
</tr>
<tr>
<td>Net cash from operating activities</td>
<td>187</td>
<td>313</td>
</tr>
</tbody>
</table>

Note 13: Contingent Assets and Liabilities

At 30 June 2015 the OAIC had no contingent assets or liabilities.
Note 14: Senior Management Personnel Remuneration

Note 14A: Senior Executive Remuneration Expenses for the Reporting Period

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-term employee benefits:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary</td>
<td>1,303,614</td>
<td>1,508,070</td>
</tr>
<tr>
<td>Motor vehicle and other allowances</td>
<td>67,326</td>
<td>81,208</td>
</tr>
<tr>
<td><strong>Total short-term employee benefits</strong></td>
<td><strong>1,370,940</strong></td>
<td><strong>1,589,278</strong></td>
</tr>
<tr>
<td>Post-employment benefits:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superannuation</td>
<td>205,937</td>
<td>241,254</td>
</tr>
<tr>
<td><strong>Total post-employment benefits</strong></td>
<td><strong>205,937</strong></td>
<td><strong>241,254</strong></td>
</tr>
<tr>
<td>Other long-term employee benefits:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual leave</td>
<td>91,672</td>
<td>114,358</td>
</tr>
<tr>
<td>Long-service leave</td>
<td>29,466</td>
<td>37,076</td>
</tr>
<tr>
<td><strong>Total other long-term employee benefits</strong></td>
<td><strong>121,139</strong></td>
<td><strong>151,434</strong></td>
</tr>
<tr>
<td>Termination benefits:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voluntary redundancy payments</td>
<td>171,075</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total termination benefits</strong></td>
<td><strong>171,075</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td><strong>Total senior executive remuneration expenses</strong></td>
<td><strong>1,869,091</strong></td>
<td><strong>1,981,966</strong></td>
</tr>
</tbody>
</table>

The total number of senior management personnel that are included in the above table is 6 (2014: 6).
Office of the Australian Information Commissioner
Notes to and forming part of the financial statements
for the period ended 30 June 2015

Note 15: Financial Instruments

<table>
<thead>
<tr>
<th>Note 15A: Categories of Financial Instruments</th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receivables:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>1,243</td>
<td>1,115</td>
</tr>
<tr>
<td>Trade receivables</td>
<td>866</td>
<td>663</td>
</tr>
<tr>
<td>Carrying amount of financial assets</td>
<td>2,109</td>
<td>1,778</td>
</tr>
<tr>
<td>Financial Liabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplier payables</td>
<td>1,023</td>
<td>819</td>
</tr>
<tr>
<td>Carrying amount of financial liabilities</td>
<td>1,023</td>
<td>819</td>
</tr>
</tbody>
</table>

Note 15B: Fair Value of Financial Instruments

<table>
<thead>
<tr>
<th></th>
<th>Carrying amount</th>
<th>Fair value</th>
<th>Carrying amount</th>
<th>Fair value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Assets</td>
<td>2015 $'000</td>
<td>2015 $'000</td>
<td>2014 $'000</td>
<td>2014 $'000</td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>1,243</td>
<td>1,243</td>
<td>1,115</td>
<td>1,115</td>
</tr>
<tr>
<td>Trade receivables</td>
<td>866</td>
<td>866</td>
<td>663</td>
<td>663</td>
</tr>
<tr>
<td>Total</td>
<td>2,109</td>
<td>2,109</td>
<td>1,778</td>
<td>1,778</td>
</tr>
<tr>
<td>Financial Liabilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplier Payables</td>
<td>1,023</td>
<td>1,023</td>
<td>819</td>
<td>819</td>
</tr>
<tr>
<td>Total</td>
<td>1,023</td>
<td>1,023</td>
<td>819</td>
<td>819</td>
</tr>
</tbody>
</table>

Note 15C: Credit Risk

The OAIC’s maximum exposures to credit risk at reporting date in relation to each class of recognised financial asset is the carrying amount of those assets as indicated in the statement of financial position.

The OAIC has no significant exposures to any concentrations of credit risk nor does it hold any collateral to mitigate against credit risk.

Credit quality of financial instruments not past due or individually determined as impaired

<table>
<thead>
<tr>
<th></th>
<th>Not past due nor impaired</th>
<th>Not past due nor impaired</th>
<th>Past due or impaired</th>
<th>Past due or impaired</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015 $'000</td>
<td>2014 $'000</td>
<td>2015 $'000</td>
<td>2014 $'000</td>
</tr>
<tr>
<td>Receivables</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>1,243</td>
<td>1,115</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Trade receivables</td>
<td>865</td>
<td>662</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>2,108</td>
<td>1,777</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

There are no significant receivables past due or impaired (refer Note 7B).
Office of the Australian Information Commissioner  
Notes to and forming part of the financial statements  
for the period ended 30 June 2015

Note 15D: Liquidity Risk

The OAIC’s financial liabilities are supplier payables and accrued expenses. The exposure to liquidity risk is based on the notion that the OAIC will encounter difficulty in meeting its obligations associated with financial liabilities. This is unlikely due to the appropriation funding and mechanisms available to the OAIC (e.g. Advance to the Minister for Finance) and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations.

### Maturities for non-derivative financial liabilities 2015

<table>
<thead>
<tr>
<th></th>
<th>On demand</th>
<th>within 1 year</th>
<th>1 to 2 years</th>
<th>2 to 5 years</th>
<th>&gt; 5 years</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplier payables</td>
<td>-</td>
<td>582</td>
<td>-</td>
<td>441</td>
<td>-</td>
<td>1,023</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-</td>
<td>582</td>
<td>-</td>
<td>441</td>
<td>-</td>
<td>1,023</td>
</tr>
</tbody>
</table>

### Maturities for non-derivative financial liabilities 2014

<table>
<thead>
<tr>
<th></th>
<th>On demand</th>
<th>within 1 year</th>
<th>1 to 2 years</th>
<th>2 to 5 years</th>
<th>&gt; 5 years</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplier payables</td>
<td>-</td>
<td>443</td>
<td>-</td>
<td>-</td>
<td>376</td>
<td>819</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-</td>
<td>443</td>
<td>-</td>
<td>-</td>
<td>376</td>
<td>819</td>
</tr>
</tbody>
</table>

The OAIC has no derivative financial liabilities in both the current and prior financial years.

Note 15E: Market Risk

The OAIC holds basic financial instruments that do not expose the OAIC to certain market risks. The OAIC is not exposed to ‘interest rate risk’, ‘currency risk’ or ‘other price risk’.
### Note 16: Financial Assets Reconciliation

<table>
<thead>
<tr>
<th>Financial assets</th>
<th>2015 $'000</th>
<th>2014 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total financial assets as per statement of financial position</td>
<td>4,964</td>
<td>4,376</td>
</tr>
<tr>
<td>Less: non-financial instrument components</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GST Receivable from the Australian Taxation Office</td>
<td>7B</td>
<td>-</td>
</tr>
<tr>
<td>Appropriations receivable</td>
<td>7B</td>
<td>2,855</td>
</tr>
<tr>
<td>Total non-financial instrument components</td>
<td>2,855</td>
<td>2,598</td>
</tr>
<tr>
<td>Total financial assets as per financial instruments note</td>
<td>2,109</td>
<td>1,778</td>
</tr>
</tbody>
</table>
# Appendix Two  Financial statements 2014–15

Office of the Australian Information Commissioner

Notes to and forming part of the financial statements
for the period ended 30 June 2015

## Note 17: Appropriations

### Table 1: Annual Appropriations ("Recoverable GST exclusive")

<table>
<thead>
<tr>
<th>Appropriation Act</th>
<th>Annual Appropriation ($'000)</th>
<th>Ordinary annual services</th>
<th>Loans</th>
<th>Equity</th>
<th>Total departmental</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental</td>
<td></td>
<td>9,963</td>
<td>-</td>
<td>-</td>
<td>12,654</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,691</td>
<td>-</td>
<td>-</td>
<td>(12,272)</td>
</tr>
</tbody>
</table>

### Notes:
1. In 2014-15 there were no appropriations that have been quarantined.
2. In 2014-15 there was no adjustment that met the recognition criteria of a formal reduction in revenue (in accordance with FRR Part 6 Div 3) but at law the appropriations had not been amended before the end of the reporting period.
3. Variance represents unspent appropriation funding.

### Annual Appropriations 2014

<table>
<thead>
<tr>
<th>Appropriation Act</th>
<th>Annual Appropriation ($'000)</th>
<th>Ordinary annual services</th>
<th>Loans</th>
<th>Equity</th>
<th>Total departmental</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation Act</td>
<td></td>
<td>10,601</td>
<td>-</td>
<td>-</td>
<td>13,860</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3,259</td>
<td>-</td>
<td>-</td>
<td>(12,665)</td>
</tr>
</tbody>
</table>

### Notes:
1. Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request that the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister’s determination and is disallowable by Parliament. In 2014, there was no reduction in departmental and non-operating departmental appropriations.
2. Variance represents unspent appropriation funding.
Office of the Australian Information Commissioner
Notes to and forming part of the financial statements
for the period ended 30 June 2015

Table B: Departmental Capital Budget (‘Recoverable GST exclusive’)

<table>
<thead>
<tr>
<th></th>
<th>2015 Capital Budget Appropriations</th>
<th>Capital Budget Appropriations applied in 2015 (current and prior years)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Appropriation Act</td>
<td>PIPA Act</td>
</tr>
<tr>
<td></td>
<td>Annual Capital Budget $’000</td>
<td>Section 75 $’000</td>
</tr>
<tr>
<td>DEPARTMENTAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ordinary annual services - Departmental Capital Budget1</td>
<td>20</td>
<td>-</td>
</tr>
</tbody>
</table>

Notes:
1. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.
2. Payments made on non-financial assets include purchases of assets and expenditure on assets which has been capitalised.
3. Variance represents prior year departmental capital budget appropriation funding drawdown and spent in the current period.

Table C: Unspent Annual Appropriations (‘Recoverable GST exclusive’)

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority</td>
<td>$’000</td>
<td>$’000</td>
</tr>
<tr>
<td>DEPARTMENTAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriation Act (No. 1) 2013-2014</td>
<td>-</td>
<td>2,590</td>
</tr>
<tr>
<td>Capital Budget Bill 1 (DCB) 2013-2014</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Appropriation Act (No. 1) 2014-2015</td>
<td>683</td>
<td>-</td>
</tr>
<tr>
<td>Appropriation Act (No. 3) 2014-2015</td>
<td>2,172</td>
<td>-</td>
</tr>
<tr>
<td>Cash held by the OAIC</td>
<td>1,243</td>
<td>1,115</td>
</tr>
<tr>
<td>Total</td>
<td>4,098</td>
<td>3,707</td>
</tr>
</tbody>
</table>
Appendix Two  Financial statements 2014–15

Office of the Australian Information Commissioner
Notes to and forming part of the financial statements
for the period ended 30 June 2015

Note 18: Reporting of Outcomes

Note 18A: Net Cost of Outcome Delivery

<table>
<thead>
<tr>
<th></th>
<th>Outcome 1</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015</td>
<td>2014</td>
<td>2015</td>
<td>2014</td>
</tr>
<tr>
<td>Departmental expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenses</td>
<td>13,430</td>
<td>13,634</td>
<td>13,430</td>
<td>13,634</td>
</tr>
<tr>
<td>Own-source income</td>
<td>2,878</td>
<td>2,801</td>
<td>2,878</td>
<td>2,801</td>
</tr>
<tr>
<td>Net cost of outcome delivery</td>
<td>(10,552)</td>
<td>(10,833)</td>
<td>(10,552)</td>
<td>(10,833)</td>
</tr>
</tbody>
</table>

Note 18B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

<table>
<thead>
<tr>
<th></th>
<th>Outcome 1</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015</td>
<td>2014</td>
<td>2015</td>
<td>2014</td>
</tr>
<tr>
<td>Departmental expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee benefits</td>
<td>8,725</td>
<td>9,365</td>
<td>8,725</td>
<td>9,365</td>
</tr>
<tr>
<td>Supplier</td>
<td>2,975</td>
<td>3,294</td>
<td>2,975</td>
<td>3,294</td>
</tr>
<tr>
<td>Depreciation and Amortisation</td>
<td>916</td>
<td>966</td>
<td>916</td>
<td>966</td>
</tr>
<tr>
<td>Write-down and impairment of assets</td>
<td>814</td>
<td>9</td>
<td>814</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>13,430</td>
<td>13,634</td>
<td>13,430</td>
<td>13,634</td>
</tr>
<tr>
<td>Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales of goods and services</td>
<td>2,824</td>
<td>2,768</td>
<td>2,824</td>
<td>2,768</td>
</tr>
<tr>
<td>Revenue from Government</td>
<td>9,963</td>
<td>10,601</td>
<td>9,963</td>
<td>10,601</td>
</tr>
<tr>
<td>Sale of assets</td>
<td>2</td>
<td>-</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Other revenue</td>
<td>33</td>
<td>33</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td>Other gains</td>
<td>19</td>
<td>-</td>
<td>19</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>12,841</td>
<td>13,402</td>
<td>12,841</td>
<td>13,402</td>
</tr>
<tr>
<td>Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>1,243</td>
<td>1,115</td>
<td>1,243</td>
<td>1,115</td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>3,721</td>
<td>3,261</td>
<td>3,721</td>
<td>3,261</td>
</tr>
<tr>
<td>Infrastructure, plant and equipment</td>
<td>1,638</td>
<td>2,908</td>
<td>1,638</td>
<td>2,908</td>
</tr>
<tr>
<td>Intangibles</td>
<td>1,050</td>
<td>1,427</td>
<td>1,050</td>
<td>1,427</td>
</tr>
<tr>
<td>Other non-financial assets</td>
<td>61</td>
<td>51</td>
<td>61</td>
<td>51</td>
</tr>
<tr>
<td>Total</td>
<td>7,713</td>
<td>8,762</td>
<td>7,713</td>
<td>8,762</td>
</tr>
<tr>
<td>Liabilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suppliers</td>
<td>1,023</td>
<td>819</td>
<td>1,023</td>
<td>819</td>
</tr>
<tr>
<td>Lease incentives</td>
<td>1,454</td>
<td>1,695</td>
<td>1,454</td>
<td>1,695</td>
</tr>
<tr>
<td>Employee provisions</td>
<td>1,791</td>
<td>2,243</td>
<td>1,791</td>
<td>2,243</td>
</tr>
<tr>
<td>Other provisions and payables</td>
<td>1,336</td>
<td>1,328</td>
<td>1,336</td>
<td>1,328</td>
</tr>
<tr>
<td>Total</td>
<td>5,604</td>
<td>6,085</td>
<td>5,604</td>
<td>6,085</td>
</tr>
</tbody>
</table>

Outcome 1 is described in Note 1.1. Net costs shown included intra-government costs that were eliminated in calculating the actual Budget Outcome. Refer to Outcome 1 Resourcing Table on page 141 of this Annual Report.
Note 19: Budgetary Reports and Explanations of Major Variances

The following tables provide a comparison of the original budget as presented in the 2014-15 Portfolio Budget Statements (PBS) and the revised budget as presented in the 2014-15 Portfolio Supplementary Additional Estimates Statements (PSAES) to the final outcome as presented in accordance with Australian Accounting Standards for the OAIC. The budget is not audited.

Note 19A: Departmental Budgetary Reports

Statement of Comprehensive Income
for the period ended 30 June 2015

<table>
<thead>
<tr>
<th></th>
<th>Actual 2015</th>
<th>Original1</th>
<th>Variance2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>NET COST OF SERVICES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee benefits</td>
<td>8,725</td>
<td>7,607</td>
<td>1,118</td>
</tr>
<tr>
<td>Supplier</td>
<td>2,975</td>
<td>2,769</td>
<td>206</td>
</tr>
<tr>
<td>Depreciation and amortisation</td>
<td>916</td>
<td>810</td>
<td>106</td>
</tr>
<tr>
<td>Write-down and impairment of assets</td>
<td>814</td>
<td>-</td>
<td>814</td>
</tr>
<tr>
<td>Total expenses</td>
<td>13,430</td>
<td>11,186</td>
<td>2,244</td>
</tr>
<tr>
<td>Own-Source Income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Own-source revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale of goods and rendering of services</td>
<td>2,824</td>
<td>3,153</td>
<td>(329)</td>
</tr>
<tr>
<td>Other revenue</td>
<td>33</td>
<td>-</td>
<td>33</td>
</tr>
<tr>
<td>Total own-source revenue</td>
<td>2,857</td>
<td>3,153</td>
<td>(329)</td>
</tr>
<tr>
<td>Gains</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale of assets</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Other gains</td>
<td>19</td>
<td>32</td>
<td>(13)</td>
</tr>
<tr>
<td>Total gains</td>
<td>21</td>
<td>32</td>
<td>(11)</td>
</tr>
<tr>
<td>Total own-source income</td>
<td>2,878</td>
<td>3,185</td>
<td>(307)</td>
</tr>
<tr>
<td>Net cost of services</td>
<td>(10,552)</td>
<td>(8,001)</td>
<td>(2,551)</td>
</tr>
<tr>
<td>Revenue from Government</td>
<td>9,963</td>
<td>7,191</td>
<td>2,772</td>
</tr>
<tr>
<td>Deficit attributable to the Australian Government</td>
<td>(589)</td>
<td>(810)</td>
<td>222</td>
</tr>
</tbody>
</table>

OTHER COMPREHENSIVE INCOME

<table>
<thead>
<tr>
<th>Items not subject to subsequent reclassification to net cost of services</th>
<th>Actual 2015</th>
<th>Original1</th>
<th>Variance2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes in asset revaluation surplus</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Total other comprehensive income</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Total comprehensive loss attributable to the Australian Government</td>
<td>(588)</td>
<td>(810)</td>
<td>222</td>
</tr>
</tbody>
</table>

1. The OAIC's original budgeted financial statement that was first presented to parliament in respect of the reporting period.
2. Between the actual and budgeted amounts for 2015. Explanations of major variances are provided further below.
### Statement of Financial Position

**as at 30 June 2015**

<table>
<thead>
<tr>
<th></th>
<th>Budget estimate</th>
<th>Actual 2015</th>
<th>Original 2015</th>
<th>Variance 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Financial Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>1,243</td>
<td>802</td>
<td>441</td>
<td></td>
</tr>
<tr>
<td>Trade and other receivables</td>
<td>3,721</td>
<td>2,284</td>
<td>1,437</td>
<td></td>
</tr>
<tr>
<td>Other financial assets</td>
<td>-</td>
<td>149</td>
<td>( 149)</td>
<td></td>
</tr>
<tr>
<td>Total financial assets</td>
<td>4,964</td>
<td>3,235</td>
<td>1,729</td>
<td></td>
</tr>
<tr>
<td>Non-financial Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure, plant and equipment</td>
<td>1,638</td>
<td>2,305</td>
<td>( 667)</td>
<td></td>
</tr>
<tr>
<td>Intangibles</td>
<td>1,050</td>
<td>1,015</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Other non-financial assets</td>
<td>61</td>
<td>88</td>
<td>( 27)</td>
<td></td>
</tr>
<tr>
<td>Total non-financial assets</td>
<td>2,749</td>
<td>3,408</td>
<td>( 659)</td>
<td></td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td></td>
<td>7,713</td>
<td>6,643</td>
<td>1,070</td>
</tr>
<tr>
<td><strong>LIABILITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payables</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suppliers</td>
<td>1,023</td>
<td>784</td>
<td>239</td>
<td></td>
</tr>
<tr>
<td>Other payables</td>
<td>1,336</td>
<td>599</td>
<td>737</td>
<td></td>
</tr>
<tr>
<td>Total payables</td>
<td>2,359</td>
<td>1,383</td>
<td>976</td>
<td></td>
</tr>
<tr>
<td>Non-interest Bearing Liabilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease incentives</td>
<td>1,454</td>
<td>1,461</td>
<td>( 7)</td>
<td></td>
</tr>
<tr>
<td>Total non-interest bearing liabilities</td>
<td>1,454</td>
<td>1,461</td>
<td>( 7)</td>
<td></td>
</tr>
<tr>
<td><strong>Provisions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee provisions</td>
<td>1,791</td>
<td>2,510</td>
<td>( 719)</td>
<td></td>
</tr>
<tr>
<td>Total provisions</td>
<td>1,791</td>
<td>2,510</td>
<td>( 719)</td>
<td></td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>5,604</td>
<td>5,354</td>
<td>250</td>
<td></td>
</tr>
<tr>
<td><strong>Net assets</strong></td>
<td></td>
<td>2,109</td>
<td>1,289</td>
<td>820</td>
</tr>
<tr>
<td><strong>EQUITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contributed equity</td>
<td>1,993</td>
<td>1,999</td>
<td>( 6)</td>
<td></td>
</tr>
<tr>
<td>Reserve</td>
<td>133</td>
<td>55</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>Retained earnings</td>
<td>(17)</td>
<td>(811)</td>
<td>794</td>
<td></td>
</tr>
<tr>
<td><strong>Total equity</strong></td>
<td></td>
<td>2,109</td>
<td>1,243</td>
<td>866</td>
</tr>
</tbody>
</table>

1. The OAIC’s original budgeted financial statement that was first presented to parliament in respect of the reporting period.
2. Between the actual and budgeted amounts for 2015. Explanations of major variances are provided further below.
**Statement of Changes in Equity**
for the period ended 30 June 2015

<table>
<thead>
<tr>
<th></th>
<th>Retained earnings</th>
<th>Asset revaluation reserve</th>
<th>Contributed equity</th>
<th>Total equity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Opening balance</td>
<td>572 (1)</td>
<td>573</td>
<td>132</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td>1,973 (26)</td>
<td>1,999</td>
<td>(26)</td>
<td>2,677</td>
</tr>
<tr>
<td></td>
<td>624</td>
<td>624</td>
<td></td>
<td>2,053</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>624</td>
</tr>
<tr>
<td>Adjusted opening balance</td>
<td>572 (1)</td>
<td>573</td>
<td>132</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td>1,973 (26)</td>
<td>1,999</td>
<td>(26)</td>
<td>2,677</td>
</tr>
<tr>
<td></td>
<td>624</td>
<td>624</td>
<td></td>
<td>2,053</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>624</td>
</tr>
<tr>
<td>Comprehensive income</td>
<td>(589) (810)</td>
<td>221</td>
<td>(589) (810)</td>
<td>221</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transactions with owners</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Contributions by owners</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Departmental capital budget</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sub-total transactions with owners</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Closing balance attributable to the Australian Government</td>
<td>(17) (811)</td>
<td>794</td>
<td>133</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>1,993 (6)</td>
<td>1,999</td>
<td>(6)</td>
<td>2,109</td>
</tr>
<tr>
<td></td>
<td>1,243</td>
<td>1,243</td>
<td></td>
<td>806</td>
</tr>
</tbody>
</table>

1. The OAIC's original budgeted financial statement that was first presented to parliament in respect of the reporting period.
2. Between the actual and budgeted amounts for 2015. Explanations of major variances are provided further below.
## Cash Flow Statement

for the period ended 30 June 2015

<table>
<thead>
<tr>
<th>Budget estimate</th>
<th>Actual</th>
<th>Original</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015</td>
<td>2015</td>
<td>2015</td>
</tr>
<tr>
<td></td>
<td>$'000</td>
<td>$'001</td>
<td>$'000</td>
</tr>
</tbody>
</table>

### OPERATING ACTIVITIES

**Cash received**
- Appropriations: $7,791, 7,191, 600
- Sales of goods and rendering of services: $2,773, 3,153, (380)
- Net GST received: 209, 110, 99

**Total cash received:** $16,079, 10,454, 5,625

**Cash used**
- Employees: $(9,237), (8,436), (801)
- Suppliers: $(3,256), (2,018), (1,238)
- Section 74 receipts transferred to the Official Public Account: $(3,399), $3,399

**Total cash used:** $(15,892), (10,454), (5,438)

**Net cash from operating activities:** $187, $187

### INVESTING ACTIVITIES

**Cash used**
- Purchase of infrastructure, plant and equipment: $(81), - ($81)

**Total cash used:** $(81), - ($81)

**Net cash used by investing activities:** $(81), - ($81)

### FINANCING ACTIVITIES

**Cash received**
- Contributed equity: 22, - 22

**Total cash received:** 22, - 22

**Net cash from financing activities:** 22, - 22

**Net increase in cash held:** 128, - 128

- Cash and cash equivalents at the beginning of the reporting period: 1,115, 802, (674)

- Cash and cash equivalents at the end of the reporting period: 1,243, 802, 441

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1. The OAIC’s original budgeted financial statement that was first presented to parliament in respect of the reporting period.
2. Between the actual and budgeted amounts for 2015. Explanations of major variances are provided further below.
Note 19B: Departmental Major Budget Variances for 2015

Explanations of major variances

<table>
<thead>
<tr>
<th>Affected line items (and statement)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In the 2014–15 Budget, the Australian Government announced its decision to set up new arrangements for privacy and FOI regulation to streamline and reduce complexity and duplication in the current system.</strong> From 1 January 2015 it was intended that the Office of the Australian Information Commissioner (OAIC) would cease operating and funding for ongoing functions was transferred to other agencies.</td>
</tr>
<tr>
<td><strong>From 1 January 2015 an Office of the Privacy Commissioner (OPC) was to be established as a separate statutory office within the Australian Human Rights Commission (AHRC), exercising statutory privacy functions under the Privacy Act 1988 and related legislation.</strong></td>
</tr>
<tr>
<td><strong>The AHRC was to provide administrative services to the OPC under agreement. The OPC would be independent of the Australian Human Rights Commission for the purposes of the Australian Human Rights Act 1986. The 2014-15 Budget reflects the Government’s decision to cease OAIC operations on 31 December 2014.</strong></td>
</tr>
<tr>
<td><strong>This decision required legislative amendments that are still currently before the Parliament. The funding transferred to other agencies in the 2014-15 Budget was formally returned to the OAIC as part of the 2014-15 PSAES. The OAIC will continue operations for the 2015-16 reporting period.</strong></td>
</tr>
<tr>
<td><strong>Employees, Revenue from Government, Equity</strong></td>
</tr>
<tr>
<td>Variance caused by the OAIC continuing operations beyond 31 December 2014, increased appropriation revenue through PSAES, the closure of the OAIC Canberra office and associated staff movements.</td>
</tr>
<tr>
<td>Employee benefits; Revenue from Government (Statement of Comprehensive Income); Employee Provisions (Statement of Financial Position); Appropriations; Contributed equity (Statement of Changes in Equity &amp; Cash Flow Statement)</td>
</tr>
<tr>
<td><strong>Own-source revenue</strong></td>
</tr>
<tr>
<td>Variance caused by the OAIC continuing operations beyond 31 December 2014 and associated Memorandum of Understanding (MOU) arrangements and reporting requirements not known at Budget.</td>
</tr>
<tr>
<td>Sales of goods and rendering of services; Other revenue (Statement of Comprehensive Income); Other payables (Statement of Financial Position)</td>
</tr>
<tr>
<td><strong>Infrastructure, Plant and equipment</strong></td>
</tr>
<tr>
<td>Variance caused by the write-off of Canberra office infrastructure, plant and equipment following closure of the Canberra office.</td>
</tr>
<tr>
<td>Write-down and impairment of assets (Statement of Comprehensive Income); Infrastructure, plant and equipment (Statement of Financial Position)</td>
</tr>
<tr>
<td><strong>Financial Assets</strong></td>
</tr>
<tr>
<td>Variance caused by the OAIC continuing operations beyond 31 December 2014, increased appropriation through PAES, continuation of MOU arrangements and movements unknown at Budget.</td>
</tr>
<tr>
<td>Cash and Cash Equivalents; Trade and other receivables; Other financial assets (Statement of Financial Position)</td>
</tr>
<tr>
<td><strong>Transfers to and from the OPA, Other revenue, Gains, Financial Assets</strong></td>
</tr>
<tr>
<td>Variance caused by the OAIC continuing operations beyond 31 December 2014, continuing MOU arrangements and changes to reporting requirements that were not known at Budget.</td>
</tr>
<tr>
<td>Other revenue; Other gains (Statement of Comprehensive Income); Other Financial Assets (Statement of Financial Position); Cash transferred from the Official Public Account; Section 74 receipts transferred to the Official Public Account (Cash Flow Statement)</td>
</tr>
</tbody>
</table>
Appendix Three — Information Publication Scheme

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it published in accordance with the IPS requirements.

This Office of the Australian Information Commissioner’s IPS entry can be found at www.oaic.gov.au.
Appendix Four — Memorandums of understanding

Australian Human Rights Commission

The Office of the Australian Information Commissioner (OAIC) held a memorandum of understanding (MOU) with the Australian Human Rights Commission (AHRC), which covers the provision of corporate services to the OAIC. This included financial, administrative, information technology and human resources. The OAIC also sub-let premises in Sydney from the AHRC under this arrangement. The OAIC paid $2,036,320 for these services and premises in 2014–15.

ACT Government

The OAIC renewed an MOU with the Australian Capital Territory (ACT) Government until 30 June 2017. Under the MOU, the OAIC provided a number of privacy services to the ACT Government including handling privacy complaints and enquiries about ACT public sector agencies, providing policy advice, carrying out a privacy assessment, providing access to privacy seminars and facilitating the Information Contact Officers Network. In 2014–15, the OAIC invoiced $171,003.74 for the provision of these services.

Centrelink

The OAIC continued to undertake its responsibilities under the *Data-matching Program (Assistance and Tax) Act 1990* throughout 2014–15. The OAIC invoiced Centrelink for $372,976 (including GST) to support the costs of monitoring the conduct of the data-matching program.

Australian Customs and Border Protection Service

The OAIC has held an agreement with the Australian Customs and Border Protection Service (ACBPS) since May 2008. The OAIC provides ongoing privacy policy advice as well as one assessment a year of ACBPS’s use of Passenger Name Record data. The OAIC invoiced ACBPS for $130,000 (including GST) in 2014–15 to support the costs of this work. This MOU was renewed in June 2014 and extends until June 2016.
Department of Human Services — Service Delivery Reform

The OAIC held an agreement with the Department of Human Services (DHS) to provide privacy policy advice and assistance in relation to the Australian Government’s Service Delivery Reform Agenda and other privacy matters. The period of the MOU was 1 July 2014 to 30 June 2015. The OAIC invoiced DHS for $220,000 in 2014–15.

Department of Health — Healthcare Identifiers and Personally Controlled Electronic Health Records

The OAIC held an MOU with the Department of Health to deliver an independent regulatory service in relation to the handling of healthcare identifiers (HI) and the operation of the HI service as provided by the Privacy Act 1988 (Privacy Act) and the Healthcare Identifiers Act 2010. The MOU also provides for the delivery of an independent regulatory service in relation to the handling of personal information within the Personally Controlled Electronic Health Records (PCEHR) system as provided by the Privacy Act and Personally Controlled Electronic Health Records Act 2012.

The OAIC invoiced the Department of Health for $690,000 for oversight of the HI service and $1,568,000 for oversight of the PCEHR system in 2014–15.

Department of Education and Training

The OAIC held an agreement with the Department of Industry to provide dedicated privacy-related services, including the OAIC’s appointment as independent privacy regulator of the Student Identifier Scheme. This agreement was transferred to the Department of Education and Training, following a Machinery of Government change in December 2014. The OAIC invoiced $70,540 for the provision of services in 2014–15.

Department of Finance

The OAIC held an MOU with the Department of Finance for hosting the OAIC Blog on the Govspace website. The MOU commenced on 1 July 2012 and continued until 31 October 2014. The OAIC paid $1500 for these services in 2014–15.
Appendix Five — Speeches and presentations

This Appendix lists the speeches and presentations given by the OAIC Commissioners and representatives during 2014–15.

Prof. John McMillan — Australian Information Commissioner

July 2014

• presentation to Think Magazine launch, FOI Evening Lecture Series, Coolangatta

September 2014

• presentation to the launch of the Global Integrity Summit, Brisbane
• lecture to the Australian National University (ANU) Advanced Military Administrative Law course, Canberra

October 2014

• lecture to the Administrative Law Masterclass at the University of New South Wales, Sydney
• presentation to the ANU Public Law Weekend, Canberra
• lecture on administrative law at the University of Canberra, Canberra

November 2014

• presentation to the Crawford PhD Conference 2014 at ANU, Canberra

May 2015

• presentation to the 2015 Australasian Casino and Gaming Regulators’ Conference, Sydney
• Master of Ceremonies for Privacy Awareness Week (PAW) launch breakfast, Sydney

June 2015

• presentation to the Military Administrative Law course at ANU, Canberra
• participation in a panel session at the launch of the Guidelines for the Ethical Use of Digital Data in Human Research, Melbourne
Timothy Pilgrim — Australian Privacy Commissioner

August 2014

• participation in a panel session at the International Association of Privacy Professionals, Australia and New Zealand (iappANZ) Global Knowledge Network, South Australia

October 2014

• presentation to the Australian Information Security Association’s National Conference 2014, Melbourne

November 2014

• presentation to the Australian Retail Credit Association (ARCA) National Conference 2014, Broadbeach
• presentation to the iappANZ Privacy Summit 2014 — Privacy@Play, Sydney

February 2015

• presentation to the iappANZ ‘Risk-based approach — new thinking for regulating privacy’ event, Sydney

March 2015

• presentation to the 7th Annual Technology & Innovation — the Future of Security in Financial Services event, Melbourne

April 2015

• presentation to the Australian and New Zealand Health Complaints Commissioner’s Conference, Melbourne
• presentation to the Law Council of Australia’s ‘Privacy Act 1988 update — post law reform and beyond’ seminar, Sydney

May 2015

• presentation to Australian Government Solicitor’s ‘Freedom of Information and Privacy Forum’, Canberra
• presentation to PAW launch breakfast, Sydney
• presentation to the ARCA PAW breakfast, Melbourne
• presentation to ARCA breakfast (PAW event), Sydney
• presentation to the iappANZ PAW wrap-up event, Sydney
June 2015

- presentation to International Conference on Big Data from a Privacy Perspective, Hong Kong
- presentation to the 7th Annual Sedona Conference International Programme on Cross-Border Discovery and Data Protection Laws, Hong Kong
- presentation to the Internet Society of Hong Kong ‘Privacy & Innovation In Pursuit of Right Incentives’ conference, Hong Kong

James Popple — Freedom of Information Commissioner

July 2014

- participation in a panel session at the Australian Institute of Administration Law’s 2014 National Administrative Law Conference, Perth

Angelene Falk — Assistant Commissioner, Regulation and Strategy

July 2014

- presentation to Akolade’s Digital Privacy Forum 2014, Sydney

September 2014

- presentation as part of a panel at the Australian Market & Social Research Society Conference, Melbourne

March 2015

- presentation to the Acxiom ‘Australia Privacy & Data Roundtable Discussion’, Sydney

May 2015

- presentation to Telstra’s PAW ‘APP 8 roundtable discussion’, Sydney

OAIC representatives

September 2014

- presentation to the HealthCare National Health Information Management & Coding Conference, Newcastle

October 2014

- presentation to the 24th Annual Credit Law Conference, Gold Coast
March 2015

- presentation to the Private Healthcare Australia ‘2015 Claims Leakage and Fraud Forum’, Adelaide

May 2015

- presentation to the Australia Post PAW event, Melbourne
- participation in a panel session at the Biometrics Institute Asia-Pacific Conference 2015, Sydney
Appendix Six — Committee members

**Information Advisory Committee**

The Information Advisory Committee (IAC) was established by the *Australian Information Commissioner Act 2010* (s 27). Members (other than the Chair) were appointed by the Minister responsible for that Act.

The IAC assists and advises the Australian Information Commissioner (Information Commissioner) in matters relating to the performance of Information Commissioner functions. The IAC advises the Information Commissioner; it does not advise the Australian Government directly. The minutes of IAC meetings are published on the Office of the Australian Information Commissioner (OAIC) website.

The IAC members’ terms have now expired.

**Privacy Advisory Committee**

The Privacy Advisory Committee (PAC) is established by the *Privacy Act 1988* (s 82). Members (other than the Chair and Privacy Commissioner) are appointed by the Governor-General.

The PAC provides strategic advice on privacy to the Information Commissioner. The minutes of PAC meetings are published on the OAIC website.

As at 30 June 2015, the members were:

- Professor John McMillan AO, Information Commissioner (Committee Chair)
- Mr Timothy Pilgrim PSM, Privacy Commissioner
- Professor Michael Kidd AM, Faculty of Health Sciences, Flinders University
- Ms Barbara Robertson, Chief Privacy Officer and Head of Governance, National Australia Bank.
## Appendix Seven — Acronyms

<table>
<thead>
<tr>
<th>Acronym or abbreviation</th>
<th>Expanded term</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAT</td>
<td>Administrative Appeals Tribunal</td>
</tr>
<tr>
<td>ABS</td>
<td>Australian Bureau of Statistics</td>
</tr>
<tr>
<td>ACBPS</td>
<td>Australian Customs and Border Protection Service</td>
</tr>
<tr>
<td>ACT</td>
<td>Australian Capital Territory</td>
</tr>
<tr>
<td>AFSA</td>
<td>Australian Financial Security Authority</td>
</tr>
<tr>
<td>AGD</td>
<td>Attorney-General’s Department</td>
</tr>
<tr>
<td>AHRC</td>
<td>Australian Human Rights Commission</td>
</tr>
<tr>
<td>AMCOS</td>
<td>Australasian Mechanical Copyright Owners Society</td>
</tr>
<tr>
<td>AML/CTF</td>
<td>Anti-Money Laundering and Counter-Terrorism Financing</td>
</tr>
<tr>
<td>AMSRO</td>
<td>Association of Market and Social Research Organisations</td>
</tr>
<tr>
<td>ANAO</td>
<td>Australian National Audit Office</td>
</tr>
<tr>
<td>ANU</td>
<td>Australian National University</td>
</tr>
<tr>
<td>ANZ</td>
<td>Australia and New Zealand Banking Group</td>
</tr>
<tr>
<td>AO</td>
<td>Officer of the Order of Australia</td>
</tr>
<tr>
<td>APEC</td>
<td>Asia-Pacific Economic Cooperation</td>
</tr>
<tr>
<td>APPA</td>
<td>Asia Pacific Privacy Authorities</td>
</tr>
<tr>
<td>APP</td>
<td>Australian Privacy Principle</td>
</tr>
<tr>
<td>APS</td>
<td>Australian Public Service</td>
</tr>
<tr>
<td>APRA</td>
<td>Australasian Performing Right Association</td>
</tr>
<tr>
<td>ARCA</td>
<td>Australian Retail Credit Association</td>
</tr>
<tr>
<td>ASIC</td>
<td>Australian Securities and Investment Commission</td>
</tr>
<tr>
<td>ATO</td>
<td>Australian Taxation Office</td>
</tr>
<tr>
<td>AustLII</td>
<td>Australasian Legal Information Institute</td>
</tr>
<tr>
<td>AUSSTRAC</td>
<td>Australian Transaction Reports and Analysis Centre</td>
</tr>
<tr>
<td>AWA</td>
<td>Australian Workplace Agreement</td>
</tr>
<tr>
<td>CBPR</td>
<td>Cross-border Privacy Rules</td>
</tr>
<tr>
<td>CEO</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>CII</td>
<td>Commissioner initiated investigation</td>
</tr>
<tr>
<td>CPEA</td>
<td>Cross-border Privacy Enforcement Arrangement</td>
</tr>
<tr>
<td>Acronym or abbreviation</td>
<td>Expanded term</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>CRG</td>
<td>Commonwealth Reference Group on Identity Security</td>
</tr>
<tr>
<td>CSHC</td>
<td>Commonwealth Seniors Health Card</td>
</tr>
<tr>
<td>CSIRO</td>
<td>Commonwealth Scientific and Industrial Research Organisation</td>
</tr>
<tr>
<td>DBN</td>
<td>Data breach notification</td>
</tr>
<tr>
<td>DET</td>
<td>Department of Education and Training</td>
</tr>
<tr>
<td>DHS</td>
<td>Department of Human Services</td>
</tr>
<tr>
<td>DIBP</td>
<td>Department of Immigration and Border Protection</td>
</tr>
<tr>
<td>DSS</td>
<td>Department of Social Services</td>
</tr>
<tr>
<td>DVA</td>
<td>Department of Veterans’ Affairs</td>
</tr>
<tr>
<td>DVS</td>
<td>Document Verification Service</td>
</tr>
<tr>
<td>EAP</td>
<td>Employee Assistance Program</td>
</tr>
<tr>
<td>EDR</td>
<td>External dispute resolution</td>
</tr>
<tr>
<td>EL</td>
<td>Executive Level</td>
</tr>
<tr>
<td>EOI</td>
<td>Evidence of identity</td>
</tr>
<tr>
<td>eTP</td>
<td>Electronic transfer of prescriptions</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FOI</td>
<td>Freedom of information</td>
</tr>
<tr>
<td>FRLI</td>
<td>Federal Register of Legislative Instruments</td>
</tr>
<tr>
<td>FTE</td>
<td>Full-time equivalent</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>Great Barrier Reef Marine Park Authority</td>
</tr>
<tr>
<td>GPEN</td>
<td>Global Privacy Enforcement Network</td>
</tr>
<tr>
<td>GST</td>
<td>Goods and services tax</td>
</tr>
<tr>
<td>HSBC</td>
<td>Hong Kong and Shanghai Banking Corporation</td>
</tr>
<tr>
<td>HI</td>
<td>Healthcare identifiers</td>
</tr>
<tr>
<td>IAC</td>
<td>Information Advisory Committee</td>
</tr>
<tr>
<td>iappANZ</td>
<td>International Association of Privacy Professionals Australia &amp; New Zealand</td>
</tr>
<tr>
<td>IC review</td>
<td>Information Commissioner review</td>
</tr>
<tr>
<td>ICON</td>
<td>Information Contact Officer Network</td>
</tr>
<tr>
<td>IFA</td>
<td>Individual Flexibility Arrangements</td>
</tr>
<tr>
<td>IMT</td>
<td>International Money Transfer</td>
</tr>
<tr>
<td>Information Commissioner</td>
<td>Australian Information Commissioner, within the meaning of the <em>Australian Information Commissioner Act 2010</em>.</td>
</tr>
<tr>
<td>Acronym or abbreviation</td>
<td>Expanded term</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>IPC</td>
<td>NSW Information and Privacy Commission</td>
</tr>
<tr>
<td>IPP</td>
<td>Information Privacy Principle</td>
</tr>
<tr>
<td>IPS</td>
<td>Information Publication Scheme</td>
</tr>
<tr>
<td>IVF</td>
<td>In vitro fertilisation</td>
</tr>
<tr>
<td>LCA Committee</td>
<td>Senate Legal and Constitutional Affairs Committee</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of understanding</td>
</tr>
<tr>
<td>NAIDOC</td>
<td>National Aborigines and Islanders Day Observance Committee</td>
</tr>
<tr>
<td>NBIF</td>
<td>National Biometric Interoperability Framework</td>
</tr>
<tr>
<td>NHMRC</td>
<td>National Health and Medical Research Council</td>
</tr>
<tr>
<td>NISCG</td>
<td>National Identity Security Coordination Group</td>
</tr>
<tr>
<td>NPP</td>
<td>National Privacy Principle</td>
</tr>
<tr>
<td>NRS</td>
<td>National Repositories Service</td>
</tr>
<tr>
<td>OAIC</td>
<td>Office of the Australian Information Commissioner</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
</tr>
<tr>
<td>OMI</td>
<td>Own motion investigation</td>
</tr>
<tr>
<td>PAA</td>
<td>Privacy Authorities Australia</td>
</tr>
<tr>
<td>PAC</td>
<td>Privacy Advisory Committee</td>
</tr>
<tr>
<td>PAES</td>
<td>Portfolio Additional Estimates Statements</td>
</tr>
<tr>
<td>PAW</td>
<td>Privacy Awareness Week</td>
</tr>
<tr>
<td>PBS</td>
<td>Portfolio Budget Statement</td>
</tr>
<tr>
<td>PCEHR</td>
<td>Personally controlled electronic health record</td>
</tr>
<tr>
<td>PIA</td>
<td>Privacy impact assessment</td>
</tr>
<tr>
<td>PID</td>
<td>Public interest determination</td>
</tr>
<tr>
<td>PNR</td>
<td>Passenger Name Record</td>
</tr>
<tr>
<td>PSM</td>
<td>Public Service Medal</td>
</tr>
<tr>
<td>SES</td>
<td>Senior Executive Service</td>
</tr>
<tr>
<td>SME</td>
<td>Small and medium enterprises</td>
</tr>
<tr>
<td>TAP</td>
<td>Talking about performance</td>
</tr>
<tr>
<td>TFN</td>
<td>Tax file number</td>
</tr>
<tr>
<td>TPIID</td>
<td>Temporary public interest determination</td>
</tr>
<tr>
<td>TPPs</td>
<td>Territory Privacy Principles</td>
</tr>
<tr>
<td>WSML</td>
<td>Western Sydney Medicare Local</td>
</tr>
<tr>
<td>WHS</td>
<td>Workplace Health and Safety</td>
</tr>
</tbody>
</table>
Appendix Eight — List of requirements

**General requirements**

**Table A8.1 General requirements**

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of transmittal</td>
<td>Mandatory</td>
<td>Preliminary pages</td>
</tr>
<tr>
<td>Table of contents</td>
<td>Mandatory</td>
<td>Preliminary pages</td>
</tr>
<tr>
<td>Index</td>
<td>Mandatory</td>
<td>Index</td>
</tr>
<tr>
<td>Glossary</td>
<td>Mandatory</td>
<td>Appendix Seven</td>
</tr>
<tr>
<td>Contact officer(s)</td>
<td>Mandatory</td>
<td>Preliminary pages</td>
</tr>
<tr>
<td>Internet home page address and internet address for report</td>
<td>Mandatory</td>
<td>Preliminary pages</td>
</tr>
</tbody>
</table>

**Table A8.2 Review by Australian Information Commissioner**

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review by Australian Information Commissioner</td>
<td>Mandatory</td>
<td>Chapter One</td>
</tr>
<tr>
<td>Summary of significant issues and developments</td>
<td>Suggested</td>
<td>Chapter One</td>
</tr>
<tr>
<td>Overview of Office of the Australian Information Commissioner’s (OAIC) performance and financial results</td>
<td>Suggested</td>
<td>Chapters One &amp; Two, Appendices One &amp; Two</td>
</tr>
<tr>
<td>Outlook for following year</td>
<td>Suggested</td>
<td>Chapter One</td>
</tr>
</tbody>
</table>

**Table A8.3 Office of the Australian Information Commissioner overview**

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role and functions</td>
<td>Mandatory</td>
<td>Chapter Two</td>
</tr>
<tr>
<td>Organisational structure</td>
<td>Mandatory</td>
<td>Chapter Two</td>
</tr>
<tr>
<td>Outcome and programme structure</td>
<td>Mandatory</td>
<td>Chapter Two</td>
</tr>
<tr>
<td>Where outcome and programme structures differ from portfolio budget statements (PBS)/Portfolio Additional Estimates Statements (PAES) or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change</td>
<td>Mandatory</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

### Table A8.4 Report on performance

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of performance during the year in relation to programmes and contribution to outcomes</td>
<td>Mandatory</td>
<td>Chapter Two, Appendix One</td>
</tr>
<tr>
<td>Actual performance in relation to deliverables and key performance indicators (KPIs) set out in PBS/PAES or other portfolio statements</td>
<td>Mandatory</td>
<td>Chapter Two</td>
</tr>
<tr>
<td>Where performance targets differ from the PBS/PAES, details of both former and new targets, and reasons for the change</td>
<td>Mandatory</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Narrative discussion and analysis of performance</td>
<td>Mandatory</td>
<td>Chapters One &amp; Two, Appendices One &amp; Two</td>
</tr>
<tr>
<td>Trend information</td>
<td>Mandatory</td>
<td>Chapters One &amp; Two, and Five to Seven</td>
</tr>
<tr>
<td>Significant changes in nature of principal functions/services</td>
<td>Suggested</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Performance of purchaser/provider arrangements</td>
<td>If applicable, suggested</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Factors, events or trends influencing OAIC performance</td>
<td>Suggested</td>
<td>Chapter One</td>
</tr>
<tr>
<td>Contribution of risk management in achieving objectives</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Performance against service charter customer service standards, complaints data, and the OAIC’s response to complaints</td>
<td>If applicable, mandatory</td>
<td>Chapters Two, Six &amp; Seven</td>
</tr>
<tr>
<td>Discussion and analysis of the OAIC’s financial performance</td>
<td>Mandatory</td>
<td>Chapter One</td>
</tr>
<tr>
<td>Discussion of any significant changes in financial results from the prior year, from budget or anticipated to have a significant impact on future operations</td>
<td>Mandatory</td>
<td>Chapter One</td>
</tr>
<tr>
<td>Agency resource statement and summary resource tables by outcomes</td>
<td>Mandatory</td>
<td>Appendix One</td>
</tr>
</tbody>
</table>
Table A8.5 Other mandatory information

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work health and safety (Schedule 2, Part 4 of the Work Health and Safety Act 2011)</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Advertising and Market Research (Section 311A of the Commonwealth Electoral Act 1918) and statement on advertising campaigns</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Ecologically sustainable development and environmental performance (Section 516A of the Environment Protection and Biodiversity Conservation Act 1999)</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Compliance with the agency’s obligations under the Carer Recognition Act 2010</td>
<td>If applicable, mandatory</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Grant programmes</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Disability reporting — explicit and transparent reference to agency-level information available through other reporting mechanisms</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Information Publication Scheme statement</td>
<td>Mandatory</td>
<td>Appendix Three</td>
</tr>
<tr>
<td>Correction of material errors in previous Annual Report</td>
<td>If applicable, mandatory</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Agency Resource Statements and Resources for Outcomes</td>
<td>Mandatory</td>
<td>Appendices One &amp; Two</td>
</tr>
<tr>
<td>List of requirements</td>
<td>Mandatory</td>
<td>Appendix Eight</td>
</tr>
</tbody>
</table>

Management and Accountability

Table A8.6 Corporate governance

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency heads are required to certify their agency’s actions in dealing with fraud</td>
<td>Mandatory</td>
<td>Letter of transmittal</td>
</tr>
<tr>
<td>Statement of the main corporate governance practices in place</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Names of the Senior Executive and their responsibilities</td>
<td>Suggested</td>
<td>Chapter Two</td>
</tr>
<tr>
<td>Senior management committees and their roles</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Corporate and operational plans and associated performance reporting and review</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>
### Table A8.7 External scrutiny

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant developments in external scrutiny</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Report by the Auditor-General, a Parliamentary Committee, the Commonwealth Ombudsman or an agency capability review</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>

### Table A8.8 Management of human resources

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of effectiveness in managing and developing human resources to achieve departmental objectives</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Workforce planning, staff retention and turnover</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and Australian Workplace Agreements (AWAs)</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Training and development undertaken and its impact</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Work health and safety performance</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Productivity gains</td>
<td>Suggested</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Statistics on staffing</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Statistics on employees who identify as Indigenous</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
<tr>
<td>Performance pay</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>
Table A8.9 Assets management

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of effectiveness of assets management</td>
<td>If applicable, mandatory</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Table A8.10 Purchasing

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of purchasing against core policies and principles</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>

Table A8.11 Consultants

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Annual Report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The Annual Report must include a statement noting that information on contracts and consultancies is available through the AusTender website</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>

Table A8.12 Australian National Audit Office access clauses

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence of provisions in contracts allowing access by the Auditor-General</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>

Table A8.13 Exempt contracts

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracts exempted from publication in AusTender</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>

Table A8.14 Small business

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procurement initiatives to support small business</td>
<td>Mandatory</td>
<td>Chapter Three</td>
</tr>
</tbody>
</table>

Table A8.14 Financial statements

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
<th>Part of report</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Mandatory</td>
<td>Appendices One &amp; Two</td>
</tr>
</tbody>
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