

Commissioner's opening statement – August 18, 2017

Thank you, Chair.

The 2016/17 financial year has proved an extremely busy one for the Office of the Australian Information Commissioner (OAIC), as the national regulator of the Privacy Act and the Freedom of Information Act.

With developments in technological, social, commercial and government service delivery environments – we continue to see ever-increasing consumer and professional interest in privacy, as well as community interest in FOI.

Turning first to our privacy function; we see that privacy and data protection continue to be core, growing, business and consumer concerns.

In this year's Privacy Awareness Week, the increase in community and business interest in privacy was evident, with a record 369 businesses and agencies signing up with the OAIC to be Privacy Week Partners – a 49% increase on 2016.

Media interest in Privacy Awareness Week tripled from 2016, and media enquiries to our office have generally increased by 40 per cent on the previous year. (From 181 enquires in 2015/16 to 255 in 2016/17)

Privacy governance is now a mainstream consumer and community concern, which impacts the success of commercial and government sectors alike.

In this context, I am pleased to have initiated the development of an Australian Public Service (APS) Privacy Governance Code, announced jointly with the Secretary of the Department of Prime Minister and Cabinet in May.

The Code, which comes into effect in July 2018 will, I believe, help build public trust and confidence in Government information-handling practices — by creating a clear, compulsory privacy standard across all of government – and our team is working hard with our agency colleagues to ensure a productive implementation of the Code next year.

While implementing this APS-wide initiative, we are also working to ensure that a *national* initiative introduced by this Parliament also enjoys a smooth transition.

The Notifiable Data Breaches (NDB) scheme comes into effect on 22 February 2018.

As the Committee may recall, this scheme obliges all entities covered by the Privacy Act to ensure individuals know when their personal information may have been breached, where the breach is likely to result in serious harm to any of the individuals affected.

I am pleased to note that our Community Attitudes to Privacy Survey for 2017 reveals near universal support from the community (at approximately 95%) for this proposition.

However, it is vital that the transition to the scheme is one in which agencies and businesses are supported.

Accordingly, the OAIC is working with those entities to pursue a confident and smooth implementation of this initiative.

To reach professionals we have built the national Privacy Professionals' Network, rolling out a calendar of events that will include every Australian capital city; and actively engaging with more than 1400 members from public and private sectors throughout the year.

While looking ahead to the demands of the NDB implementation, the OAIC's two main ongoing areas of public facing services continue to grow in demand.

Privacy complaints made with my office have increased 17% in this past year – to 2488.

Similarly, under FOI, we have seen a 24% increase in requests for review by my office (from 510 in 2015/16 to 631 in 2016/17).

In response to these increases, we continue to pursue further efficiencies on the processing side. In 2016-17 we closed 22% more privacy complaints and 13% more IC reviews than in the previous year. However, we continue to seek further efficiencies. For example, in our privacy role, we are trailing on early resolution scheme for privacy complaints that is showing positive early results.

In our FOI section, we support government agencies to resolve matters at first instance through updated guidance.

This year we reviewed and reissued a number of FOI Guidelines - to help clarify the factors that agencies and Ministers must consider in FOI applications.

And we have also commenced working on a new FOI Regulatory Action Policy – to further detail our approach to IC Reviews, FOI complaints and other enforcement tools.

These initiatives continue the OAIC's determination, which I spoke of last year, to continuously strive to manage our responsibilities as efficiently as possible – seeking continuous improvements year on year.

That determination continues, and is vital, as what is also clearer with each reporting year is that many factors driving the OAIC's caseload are macro in nature. While there are occasional variations, the trend lines are upward, consistent and expected to continue.

I hope this context has been useful and welcome your questions.