



## Annual Report 2005-06

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## Freedom of Information – What is it?

The FOI scheme is about giving you the right to seek access to the NT **government information** that you want. It improves government accountability and lets people find out what information government has about them and about issues they are interested in.

You must be given access to records containing the information you apply for unless disclosure would be against the public interest.

FOI also gives you the right to apply to have personal information about you corrected if it is inaccurate, incomplete or out of date.

For more on FOI, see our website: [www.foi.nt.gov.au](http://www.foi.nt.gov.au).

## Privacy Protection – What is it?

The Privacy Protection scheme is about making sure that NT **public sector organisations** respect your privacy when they collect or handle **personal information** about you.

It gives you the right to find out about how your information is collected and handled, and to complain about interference with your privacy.

The rules for protecting your privacy are set out in 10 **Information Privacy Principles** (IPPs) that appear in the Schedule at the end of the *Information Act*. The requirements of the IPPs can be divided into four categories:

- Collection of information
- Use and disclosure
- Management
- Openness

For a summary of the Information Privacy Principles, see page 5 of this Report. For more on Privacy, see our website: [www.privacy.nt.gov.au](http://www.privacy.nt.gov.au).

## Message from the Commissioner

In the early days of the *Information Act*, I was regularly asked whether I considered there was likely to be a conflict between my Privacy Protection and Freedom of Information roles. My response then was that I thought there would be valuable lessons to be learnt from the interplay of these two functions brought together for the first time in Australia in this unique legislation.



**Peter Shoyer**  
**Information Commissioner**

I am pleased to say that experience to date supports that view. The combination of FOI and Privacy (and the records and archives management functions) has promoted more comprehensive consideration of broader information management issues by my Office and by public sector organisations. The main challenge for my Office has been to do justice to the many and varied aspects of these functions within the bounds of available resources.

For Privacy Protection, the implementation of the scheme has coincided with what can only be described as ‘interesting times’. Increased sensitivity within the community to the dangers of terrorism and serious crime, and increased opportunities offered by new technology, have raised fundamental and ongoing questions about the way that individual privacy rights should be recognised and protected in modern society. My Office will continue to offer assistance to public sector organisations to help them meet these challenges.

For Freedom of Information, with systems and procedures now in place to deal with applications, the challenge is for organisations to build on this base and to improve services to ensure flexible and timely access to information, both under the FOI access scheme and, increasingly, under alternative schemes involving general publication or disclosure to relevant individuals.

### **What’s in this Report**

In Chapter 1, I discuss some recent issues and developments. I briefly discuss the relevance of privacy protection today and summarise changes to the *Information Act* passed by the Legislative Assembly during the reporting period.

In Chapter 2, I stress the importance of timely dealing with FOI access applications and suggest some improvements that could be made to enhance the efficiency and timeliness of the Information Commissioner complaint process.

Chapter 3 provides an overview of the functions of the Office of the Information Commissioner and describes what we did in 2005-06.

In Chapter 4, I discuss the operation of the Freedom of Information and Privacy Protection schemes in the NT public sector during the reporting period, including municipal and community councils which were subject to the schemes for the first time.

The Report also contains appendices that provide a statement of financial performance for the Office and give detailed statistics relating to applications and complaints made to or about each public sector organisation.

## **Thanks**

In closing, I express my appreciation to the staff of my Office (Colleen Atkinson, Karan Howell, Clare Sturm and Somsong Albert), and to Information Officers and other staff within various organisations who have worked hard throughout the year to implement the FOI and Privacy schemes.

A handwritten signature in black ink, appearing to read 'P Shoyer', written in a cursive style.

**Peter Shoyer**  
**Information Commissioner**

# Office of the Information Commissioner

The *Information Act* (NT) regulates three aspects of government information management:

- **Freedom of Information (FOI)**
- **Privacy Protection**
- **Records Management**

The Information Commissioner is the independent officer appointed to oversee the **FOI** and **Privacy Protection** provisions of the Act.

The functions of the Office of the Information Commissioner are —

- **Awareness** – promoting awareness and understanding of FOI and Privacy Protection in the community and in the public sector
- **General inquiries** – helping people to exercise their rights, and agencies to administer the schemes
- **Complaints** – responding to formal complaints about FOI decisions and interference with privacy
- **Policy assistance/input** – helping government organisations to recognise and deal with Privacy and FOI issues that need to be addressed as part of policy and legislative development and review
- **Investigations/applications** – carrying out other *Information Act* functions, eg deciding applications for grants of authorisation, considering draft codes of conduct and conducting privacy audits
- **Improving our service** – increasing the availability of resources on FOI and Privacy, and our ability to carry out our functions, through staff development, regular contact with relevant organisations and monitoring of developments in the Territory and elsewhere
- **Managing the Office** – undertaking the many tasks required to make sure that the Office runs efficiently and is accountable for its actions and the public resources it uses.

# Commissioner activities - Overview

## Highlights 2005-06

- 45 presentations given on FOI and Privacy in Alice Springs, Katherine, Nhulunbuy and Darwin.
- 17 new or revised guidelines or similar publications published to promote understanding of the Act.
- Conduct of an extensive television and radio promotional campaign throughout the Territory.
- Over 500 hours spent giving policy assistance to public sector organisations, particularly in relation to privacy issues.
- Joint presentation program conducted with Northern Territory Archives Service.
- Significant rise in the number of FOI complaints received.

## Performance 2005-06

Performance Measure	Outcome 2004-05	Target 2005-06	Outcome 2005-06
<b>Awareness and training presentations</b>	<b>41</b>	<b>30</b>	<b>45</b>
<b>Guidelines and similar publications issued/updated</b>	<b>20</b>	<b>16</b>	<b>17</b>
<b>Complaints and applications addressed</b>	<b>16</b>	<b>20</b>	<b>36</b>
<b>General inquiries</b>	<b>343</b>	<b>360</b>	<b>319</b>
<b>Hours spent on policy assistance</b>		<b>750</b>	<b>502</b>
<b>Complaints resolved informally</b>		<b>66%</b>	<b>100%</b>
<b>Complaints unresolved at end of year<sup>1</sup></b>		<b>20%</b>	<b>67%</b>
<b>FOI complaints finalised within 120 days of acceptance</b>		<b>60%</b>	<b>88%</b>
<b>Privacy complaints finalised within 120 days of acceptance</b>		<b>60%</b>	<b>75%</b>
<b>Agency satisfaction with performance</b>		<b>80%</b>	<b>94%</b>
<b>Proportion of general inquiries response within 1 day</b>		<b>90%</b>	<b>98%</b>

- (1) This high proportion is largely due to an influx of FOI complaints in the later part of the reporting period. Of FOI complaints outstanding at 30 June 2006, approximately 2/3 were received in the last 4 months of the period.
- (2) A performance measure for *Community satisfaction with performance* was included in the Budget Papers for 2005-06. The limited number of potential respondents to a planned survey meant that survey results would have been of little value. A more broadly-based assessment tool will be implemented in the next period.

# Public Sector activities - Overview

## Freedom of Information

In all, 292 initial FOI access applications were lodged with public sector organisations. This compares with 394 applications made in 2004-05 and 284 made in 2003-04.

The reduction in applications made in this year is largely attributable to a reduction in FOI applications to NT Police, Fire & Emergency Services (NTPFES) which diverted requests for information to administrative access schemes. There has not been a significant decrease in the number of people seeking information from the NTPFES but many requests are now dealt with under simpler, more focussed access schemes. A breakdown of access applications by organisation appears in Appendix 2.

Other points of interest in relation to applications made or dealt with during the year are:

- 49% were made to one organisation, the NTPFES
- 63% of applications across government were for access to personal information about the applicant (compared to 68% in the previous year)
- overall, access was granted in full to 18,763 pages, with access granted in full or in part to 78% of pages sought (the same proportion as in the previous year)
- the total amount of application and processing fees charged by organisations was \$22,548, compared to \$10,476 in the previous year and \$22,685 in 2003-04.

Nineteen applications were made for **internal review** of agency decisions, with 7 initial decisions being varied or revoked.

Twenty-three formal **complaints** were made to the Information Commissioner in relation to FOI decisions, compared with 7 in the previous year.

## Privacy Protection

Five formal complaints were made or referred to the Commissioner about alleged breaches of privacy. The Office also received numerous informal inquiries from organisations in relation to privacy issues raised by the conduct of their functions, and requests for assistance in developing or reviewing documentation, policies, procedures and legislation. No details are available on numbers of privacy-related complaints made to public sector organisations.





# Chapter 1

## Recent Issues and Developments

### Privacy in Balance

A fundamental tenet of our democratic system is respect for each of us as an individual. This involves recognition that information about us is intrinsic to our make-up — and that each of us deserves to have his or her individual privacy respected and protected. This right to privacy is recognised as a fundamental human right in international charters and instruments.

However, it is also fundamental to our democracy that we live in a community and benefit from living within a community. As part of that community life we share responsibilities and information so that the community can function effectively. But living in a community does not mean that we must forfeit our identity or rights as individuals.

So when we talk about privacy protection and privacy rights, we are really talking about achieving a balance between our individual interests and our interests as part of the broader community.

The privacy protection scheme in the *Information Act* implicitly recognises that sometimes information must be collected about individuals to allow government to function. But it also provides that collection of information must be limited to what is necessary for those functions, and that the personal information that is collected must be handled with care.

### Why Privacy?

In an era of technology and terror, there are increasing pressures to collect, share and manipulate personal information. In justifying intrusion into our lives, some people ask,

*“Who cares about privacy if you have done nothing wrong?”*

For my part, this is the wrong question. As noted above, individual privacy is recognised as a fundamental human right. As individuals we live in a community but have rights and expectations that our privacy should not be intruded on except to the extent that we consent or that is necessary for the functioning of our democratic society. The starting point should be to ask whether and to what extent use or disclosure of personal information in a particular case is justified.

But for those who raise the question, there is plenty of evidence to show that individuals can suffer real harm of many varieties through disclosure of personal information, without ever having done wrong.

The potential for harm is not limited to particular types of information. Nor is the potential easily identifiable for any one individual. To illustrate the breadth of potential harm, I give some examples below.

Would you want the whole world to know?

*I may be successful now but I failed at school.*

*I just won Lotto.*

*I blew the whistle on corruption at work.*

*I am an Afghan refugee.*

*I have a genetic disposition to dementia.*

*I am Jewish.*

*I used to work as a prostitute.*

*I used to work for the Tax Office.*

## Harm

Virtually every day we read of a new case of identity theft or fraud. Some thieves may improperly obtain personal information in order to assume the identity of a person. The harm here is often financial loss. But it can also give rise to damage to reputation, embarrassment and frustration at having to spend time, effort and money to set the situation straight.

Others may steal information in order to pass it on to those who are willing to pay for it. Creditors, insurers, lawyers, estranged partners and even journalists have all been willing to pay investigators to obtain personal details without close attention to the lawfulness or propriety of the means by which they were obtained.<sup>1</sup> The harm inherent in these practices can range from financial loss and harassment up to danger to physical safety in the most serious cases.

On another level, the disclosure of personal information may simply be of nuisance value. Anyone who has been constantly interrupted by telephone marketers while preparing an evening meal for hungry children will appreciate that this intrusion, enabled by access to personal contact details, is by no means to be discounted lightly.

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<sup>1</sup> For example, see a recent report by the UK Information Commissioner's Office, *What Price Privacy? The unlawful trade in confidential information* (May 2006).

At its most serious, some Australians have themselves suffered gravely at the hands of authoritarian regimes because of disclosure of personal information about them. Many more Australians are descendants of people who have suffered similar fates because governments have known (or simply assumed) details of personal information such as ethnic background, political opinion, or even educational status.<sup>2</sup>

But there is also the potential for harm arising to the day-to-day relationships that we share as individuals who live and function within a community. All our relationships - with family, friends, employers, workmates, business associates, clients and government - can be adversely affected by disclosure of personal information.

It is fundamental to our status as individuals that we choose what information about us to disclose to others. For example, we may share close relationships with family members but we do not necessarily share everything with them. Perhaps a daughter may not want her mother to know that she has had an abortion or is on the Pill. A son may be concerned not to let his father know his views on homosexuality, legalisation of marijuana or even how he votes. We exercise the same sort of control with friends and social acquaintances. A person may not want to complicate her relationship with a friend by disclosing her views for or against the Iraq War, or the fact that she smoked while pregnant with a child.

Disclosure of information in such cases can cause real damage to a relationship that could take years to mend. A family might be torn apart over an issue. Good friends might never speak again. While the person has committed no crime, harm might still flow because we live in a community in which people can and do make subjective judgements based on any number of factors.

The same holds true in other spheres of life. In employment, in business, in obtaining goods and services, and in dealings with government, relationships and outcomes can be influenced by what others know (or think they know) about a person. A job may be lost, a spot on a project team not offered, a contract not granted, a benefit reduced or withheld on the basis of personal information.

In some cases, such decisions will be based on assessment of relevant and accurate information. However, it would be foolish to suggest that decisions in any sphere are never made with reference to inaccurate information or taking into account irrelevant information. And real harm can flow even if the person never finds out that he or she has lost out because of it.

In other cases, the harm suffered may be limited to fear and apprehension of the effect that disclosure of information might have. Injury to feelings and humiliation can themselves generate significant harm to individuals.

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<sup>2</sup> Some cogent examples may be found in a speech by the former Victorian Privacy Commissioner, Paul Chadwick, entitled *The Value of Privacy* (May 2006), pages 16-21.

Would you want the whole world to know?

*I arrived in Australia as a 'boat person'.*

*My Doctor says I need treatment for my mental condition.*

*I am a Police informant.*

*I am gay.*

*I attempted suicide when I was suffering depression.*

*I have been on the dole for 2 years.*

*I oppose abortion.*

*I support abortion on demand.*

There is no way of itemising what personal information will be regarded as most sensitive to each individual. Or what information may cause harm to a relationship with another person in a particular case. For some, a particular piece of information may cause no concern whatsoever. For others its disclosure may cause embarrassment and significant damage.

So there are many ways in which use and disclosure of personal information can cause harm to individuals whether or not the information discloses any wrongdoing by the person. From the disruption of personal and social relationships to denial of fundamental rights, the negative effects of disclosure can range from annoying to devastating.

While we live in a community we must accept that some personal information about us will be collected and used. But we equally have a right to expect that our privacy will be respected and protected by those who become custodians of it through voluntary or mandatory acquisition.

Government organisations must be acutely aware of the need to respect individual privacy and take adequate steps to ensure that they collect personal information only where collection is necessary and appropriate, and that they adequately protect personal information that must be collected.

## **Information Privacy Principles - Summary**

### **Collection** (IPPs 1, 7, 8, 10)

Personal information—

- can only be collected if it is necessary for the activities of the organisation;
- must be collected in a lawful, fair and not unreasonably intrusive way;
- must be collected from the person, if that is reasonable and practicable.

There are special limits on collection of sensitive information, identifying information and unique identifying codes (eg., driver's licence numbers).

### **Use and Disclosure** (IPPs 2, 7, 9)

Personal information can be used or disclosed for the purpose for which it was collected. The IPPs limit the other purposes (secondary purposes) for which personal information can be used or disclosed within the organisation or outside the organisation. Use or disclosure for secondary purposes is allowed—

- if the person consents;
- if it is required or authorised by law;
- for some purposes related to the primary purpose;
- for some law enforcement and health and safety purposes.

There are also limits on transferring information outside the Territory and on use and disclosure of unique identifying codes (eg., driver's licence numbers).

### **Management** (IPPs 3, 4)

Each organisation must take reasonable steps to —

- ensure that personal information is accurate, complete and up to date;
- protect personal information from misuse and loss and from unauthorised access, modification or disclosure;
- destroy or permanently de-identify personal information if it is no longer needed for any purpose.

### **Openness** (IPPs 1, 5 and 6)

Each organisation must—

- make available on request its privacy policies and details about personal information held by it;
- take reasonable steps to ensure that each individual is aware of certain information at or before the time personal information about them is collected (eg., the purpose for collection);
- allow people to seek access to personal information held about them;
- allow people to seek correction of inaccurate, incomplete or out-of-date information.

## Amendments to the Information Act

During the reporting year, the NT Legislative Assembly amended the *Information Act* with effect from 1 July 2006 (*Information Amendment Act 2006*).

The most significant change was to amend section 9 to make it clear that, in the event of inconsistency with other Territory legislation, the *Information Act* will prevail. This will be the case whether the other law was made before or after the amendment.

This amendment will have its greatest impact in relation to the FOI provisions of the Act. Except where a basis for refusal is expressly included in the *Information Act*, other laws will not form a basis for refusing access. FOI applicants and administrators should be able to look to the *Information Act* to provide guidance on all questions relating to access.

The amendment will not affect existing exceptions in the Information Privacy Principles that permit actions required or authorised by law, eg, use or disclosure required or authorised by law, and collection of sensitive information required by law.

In a related amendment, the secrecy provision exemption in section 48 has also been limited, so that it provides exemption only in respect of a discrete number of secrecy provisions that are listed in Schedule 1 to the Act.

Much of the information that continues to be protected under section 48 is identifying information about individuals, eg, parties to adoptions, human tissue donors and recipients, victims of sexual assault, and subjects of child protection orders. Financial information provided for tax purposes is also protected.

There are two new exemptions. Section 54(ca) protects places of scientific, cultural or historical significance, eg, sites of meteorite strikes or fossil finds that may be damaged if their location is disclosed.

The new section 49A exempts information obtained or created in the course of investigations, audits or inquiries by the Ombudsman, the Auditor-General, the Health and Community Services Complaints Commissioner and specially appointed commissions of inquiry.

This exemption is not subject to a public interest balancing test, although it will not extend to relevant information in the hands of the organisation subject to investigation, audit or inquiry.

## Chapter 2

# Application and complaint processes

## Time taken for FOI decisions

A small number of inquiries and concerns have come to my attention regarding delay on the part of organisations in responding to FOI applications. While the low number of inquiries does not suggest that there is a major systemic problem, it is important for each public sector organisation to keep a close watch on its FOI processes to ensure that it complies with its statutory obligations in a timely manner.

### **30 day limit**

Under s.17 of the *Information Act*, a public sector organisation that receives an application must deal with the application as promptly and efficiently, and as fairly and openly, as is reasonably possible. Section 19 sets a maximum time of 30 days for an organisation to consider an application and notify the applicant of its decision.

The Act allows for that time to be extended in certain circumstances. For example, if an organisation gives an estimate of processing fee, the clock stops while the organisation awaits confirmation that the applicant wishes to proceed.

In addition, an organisation may extend the time if an application relates to a large amount of information, or if extensive searches or consultations are required. But such cases should be viewed as the exception rather than the rule.

### **Need to allocate sufficient resources**

It is important that organisations allocate sufficient resources to ensure that FOI applications are finalised within the 30 day period in the usual case. The precise extent of resources required for each organisation will depend on the level of demand which varies significantly between organisations.

### **Applicant's right to seek review**

It is also important that applicants be aware that they can take matters further if there is undue delay. If the 30 day period has passed (or the extended period in an appropriate case), an applicant is entitled to seek internal review by the organisation on the basis that access is deemed to have been refused. If the time limit for internal review passes they are then entitled to complain to the Information Commissioner.

Having said that, reasonable forbearance on the part of an applicant is welcomed by organisations. In some cases, there are good reasons for delay, and a positive approach from the applicant is much appreciated.

We welcome feedback from anyone who has experienced significant delay in the processing of an FOI application so that we can move to address the issue with the relevant organisation or organisations.

## Information Commissioner complaint process

Concerns have also been raised about the time taken to finalise a small number of complaints to my Office.

For the most part, complaints to the Information Commissioner have been resolved informally. However, experience to date in some cases where agreement between the parties could not be reached, suggests that more timely resolution would be facilitated by a more flexible complaints process.

The current complaint scheme is essentially the same for FOI and Privacy complaints. It has four mandatory stages — Acceptance, Investigation and *prima facie* decision, Mediation and Hearing.

The legislation sets out a mandatory process that includes requirements to—

- make a *prima facie* decision following investigation – s.110;
- conduct a mediation and issue a certificate – s.111; and
- hold a hearing – s.113.

### **Informal approach – Limiting burden on parties**

The key focus of the Office of the Information Commissioner is on informal resolution of complaints. This means that, in practical terms, the informal resolution phase of a complaint starts on the day a complaint is received. For some complaints, it may even have started prior to that time through informal discussions with a complainant and public sector organisation.

It is not uncommon for complaints to be resolved even before a decision on ‘acceptance’ is necessary. Attempts at informal resolution may continue throughout the ‘acceptance’ and ‘investigation’ stages.

Often the Office will express a **preliminary view** about issues in dispute. A preliminary view is not a decision. It is not a *prima facie* decision under s.110. It is a tentative view about the issues that may need to be addressed and the possible strengths and weaknesses in a party’s case. It is intended to put parties (including public sector organisations) in a better position to realistically assess their prospects for success, and to identify issues that may need to be addressed if the complaint were to proceed to a formal determination.



In this and other ways, the Office takes an active role in narrowing the issues in dispute and informing the relevant party of the case that must be met. This can often be done without the need to call on the other party for submissions or other significant input. This approach is designed to limit the need for parties to input their own resources to meet arguments that have inherent weaknesses.

## **Formal requirements**

While further options for resolution may be explored at later stages (and may be pursued even at the hearing stage), there are cases where the issues in dispute, and the respective positions of the parties, have crystallised prior to the end of the 'investigation' stage.

Once a party has been advised of, and has not accepted, the Office's preliminary view, the further provision of a *prima facie* decision is likely to have limited prospects of changing the party's position.

Similarly, once the parties' diametrically opposed views are firmed, mandatory mediation will often be perceived as a barrier to obtaining a "ruling" in their favour from the Commissioner, rather than an opportunity to change their position.

There will therefore be a number of cases in which making a *prima facie* decision and proceeding with mandated formal mediation will achieve little beyond delaying the ultimate decision and using up the resources of the Office and the parties.

Where a matter cannot be resolved by agreement, the present requirement is for a hearing under Division 2. Experience suggests that, in many and probably most cases, it is in the interests of the parties to proceed on the basis of written submissions and evidence, without the need for a formal hearing along the lines suggested by Division 2. Dealing with matters 'on the papers' will usually be less threatening, less time consuming, cheaper, less likely to require the engagement of legal representatives and, if legal assistance is ultimately engaged by a party, cheaper in terms of legal costs.

The Office endeavours to facilitate such an approach to the extent possible within the parameters of Division 2 but the current legislative structure places some limitations on its ability to do so.

## **Rationale for existing structure**

The complaint structure in the *Information Act* appears to have been adopted with minor alterations from the existing structure in the *Anti-Discrimination Act*. I make no comment on its suitability for the purposes of that Act.

One argument that might be put forward for the *prima facie* decision requirement is that it protects respondents against the need to pour resources into defence of an ill-founded complaint at a full hearing.

However, I suggest that that end would be achieved just as well, and in fact considerably better, by a flexible approach that requires fairness to be afforded to the parties but recognises that different cases require different approaches.

### **More flexibility needed**

Without doubt, the focus of the Office should be on informal resolution. It should also be on limiting the resources that the parties and the Office must expend on resolving the dispute.

However, that end is not achieved by a 'one size fits all' approach. There is a need to allow the Office to assess each case on its merits and to structure the procedures to be adopted accordingly.

Key aims, like informality, timeliness, and efficiency can be emphasised in legislation without mandating a detailed procedural structure.

### **Approach in other jurisdictions**

The two other jurisdictions in Australia that have an Information Commissioner model have adopted a flexible approach of the type discussed above. Neither scheme mandates a procedure. There is no absolute requirement to conciliate or mediate. There is no requirement to produce an interim or *prima facie* decision. There is no requirement to conduct a formal hearing. The conduct of proceedings is essentially at the discretion of the Commissioner. Procedures can be tailored to meet the needs of the particular case.

Significant aspects of those schemes include —

- proceedings are to be conducted with as little formality and technicality, and with as much expedition, as the requirements of the Act and a proper consideration of the issues permits;
- the Commissioner is not bound by the rules of evidence;
- the Commissioner may obtain information in such manner as the Commissioner thinks fit;
- the Commissioner may proceed without a formal hearing;
- the Commissioner may direct that submissions be in writing;
- the Commissioner may take steps to resolve a case by conciliation or mediation.

These provisions give guidance to the Commissioner about the approach that should be adopted to resolution of complaints, while allowing the Commissioner to tailor the approach to meet the circumstances of each case.

In my view, this approach provides the best model for timely and effective resolution of FOI and Privacy complaints.

## **Limit on personal involvement of the Commissioner**

The approach discussed above is further complicated by s.128 of the Act which bars the Commissioner from conducting a hearing if he or she has personally —

- conducted an inquiry or investigation into the complaint;
- been involved in discussions or negotiations in respect of a complaint; or
- conducted a mediation in respect of a complaint.

In a small office, in a situation where the public sector and the community is being introduced to novel legislation, there are circumstances in which this limitation on personal involvement by the Commissioner prior to hearing will significantly hinder the progress of a complaint.

There is already a wealth of case law governing the conduct of tribunals in relation to bias and the apprehension of bias. To the extent that it limits involvement by the Commissioner beyond the restrictions that currently exist under the general law, I can discern no good reason for this additional statutory provision. Such a limitation, particularly in the context of a small office, is unwarranted and unduly restricts the flexibility and efficiency of the Office.

## **Recommended changes**

For the above reasons, I recommend the following changes —

- Removing the absolute requirement for a *prima facie* decision;
- Removing the absolute requirement for a mediation stage following investigation;
- Removing the absolute requirement for a hearing;
- Removing the statutory limitation on personal involvement by the Information Commissioner;
- Emphasising the importance of informality and timeliness;
- Expressly stating the need for the Commissioner to act fairly.



## Chapter 3

### Information Commissioner–Functions/activities

***“... an independent officeholder, the Information Commissioner, to oversee the freedom of information and privacy provisions of this Act”***

*Information Act, Objects, s.3(1)(c)*

## Office functions and activities

The Office of the Information Commissioner has two broad roles. We:

- promote awareness and understanding of Freedom of Information (FOI) and Privacy Protection in the Northern Territory community and in the public sector; and
- deal with FOI and Privacy complaints, and other applications under the *Information Act*.

This Chapter describes our structure and funding and then goes on to talk about our functions and activities during 2005-06 under seven headings. The approximate proportion of time the Office spent on conducting each function during the year is set out opposite the function below:

	<u>Function</u>	<u>Time spent</u>
1.1	<b>Awareness</b>	<b>25%</b>
1.2	<b>Policy Assistance/Input</b>	<b>20%</b>
1.3	<b>Complaints</b>	<b>20%</b>
1.4	<b>General Inquiries</b>	<b>5%</b>
1.5	<b>Investigations/applications</b>	<b>5%</b>
1.6	<b>Improving our service</b>	<b>5%</b>
1.7	<b>Managing the Office</b>	<b>20%</b>

## Office structure and funding

The inaugural Information Commissioner for the Northern Territory is Peter Shoyer. He was appointed for a 5 year term from 1 July 2003.

The staff of the Office in 2005-06 comprised a Complaints and Policy Officer (AO7), an Assistant to the Commissioner (AO4) and a part-time Legal Research Officer (AO2).

The Office is located at Level 7, 9-11 Cavenagh Street, Darwin. Contact details for the Office appear on the final page of this Report.

The Office is collocated with the Anti-Discrimination Commission (the ADC). In addition to sharing administrative costs, the Office contributed to the costs of an Office Manager employed by the ADC.

Total direct expenditure by the Office in 2005-06 on employee expenses and purchase of goods and services was \$476,000.

In addition, for the purposes of financial statements, notional amounts have been attributed to operating expenses for services provided by the Department of Justice and the Department of Corporate and Information Services. The assistance of both organisations in dealing with administration of the Office is acknowledged and much appreciated.

A Statement of Financial Performance for 2005-06 is included at Appendix 1 to this Report. The Office is also included in detailed financial statements that appear in the Annual Report for the Department of Justice.



## 3.1 Awareness

### What we do

We promote awareness and understanding of FOI and Privacy Protection in the Territory. We do this within the public sector and in the community generally.

We promote FOI and Privacy by activities like:

- publishing guidelines and brochures
- maintaining a public website: [www.infocomm.nt.gov.au](http://www.infocomm.nt.gov.au)
- giving presentations to public sector, professional and community groups
- public displays and promotions, public comment and advertising.

We are always looking for new ways to promote FOI and Privacy. We welcome contact from anyone who would like us to give a presentation or provide information in some other form.

### What we did in 2005-06

#### Presentations

The Office conducted 45 presentations and displays during the year, the great majority by the Information Commissioner. Presentations were conducted in Alice Springs, Katherine, Nhulunbuy, and Darwin.

This was a significant increase on the planned number of presentations due to substantial demand from agencies seeking introductory training for staff. The demand for presentations is welcome.

The majority of presentations were aimed at providing an introduction to the *Information Act*, and were open to staff of organisations and members of the community with a general interest in FOI and Privacy. In addition, a number of presentations were made to senior executive groups of various agencies.

Most of the presentations were scheduled over 2 hours with one hour each being spent on FOI and Privacy Protection. For a number of sessions, the Office combined with the NT Archives Service to give an additional session on Records and Archives Management.

The Office also conducted a number of Advanced Forums to provide more experienced agency practitioners with an opportunity to share their knowledge and experiences relating to implementation of the Act.

Since March 2003, the Office has conducted 163 presentations and displays promoting awareness and understanding of FOI and Privacy. The continuing strong demand for presentations clearly shows a significant and ongoing interest in these issues.

In September 2005, the Commissioner travelled to Fiji to act as a Keynote Speaker/ Resource Person at the Commonwealth Parliamentary Association's *Pacific Workshop on Access to Information*. The Workshop was attended by delegates from a number of Pacific nations. Expenses for the trip were met by the Commonwealth Parliamentary Association and NZ Aid. In June 2006, the Commissioner spoke at the Annual Australian Administrative Law Forum. Papers given by the Commissioner at these events are available on our website.

The Commissioner and staff of the Office also participated in regular meetings of agency Information Officers to discuss and give presentations on specific aspects of administration of the Act.

### **External training**

As well as giving presentations, the Office facilitated training by two external service providers in Darwin, with a particular emphasis on advanced training for Information Officers and decision-makers.

### **Displays**

In July 2005, the Office conducted a joint "Know Your Rights" Show display with the Community Justice Centre, Consumer and Business Affairs, and the Anti-Discrimination Commission. The display was conducted at the Alice Springs, Tennant Creek, Katherine and Darwin shows. Staff from the Office attended at Alice Springs, Katherine and Darwin. Thanks to the Corporate Communications Unit of the Department of Justice for their efforts in facilitating the display. The Office also conducted a display at the Pride Festival Fair Day.



**"Know Your Rights" display on Show circuit**



## FOI T-shirt campaign

Following up on distribution of T-Shirts to local councils in 2004-05, additional FOI and Privacy T-shirts were sent to offices of Members of the Legislative Assembly for distribution within the community as they saw fit. A small number of shirts were also distributed at Shows and other presentations and displays.



FOI T-Shirt

## Media and advertising

In June and early July 2005, the Office undertook a Territory-wide newspaper and radio advertising campaign. The campaign was aimed at increasing awareness generally but was timed to emphasise the application of the schemes to local government from 1 July 2005.

This was followed by a television and radio advertising campaign in June 2006, which generated a number of inquiries from members of the public.

The Information Commissioner also answered a number of media queries about the FOI and Privacy schemes generally and about particular issues.



Images from TV advertisements

## Annual Report summaries/Posters

Following publication of the 2004-05 Annual Report, over 500 two page summaries of the Report were distributed to various organisations throughout the Territory to promote awareness of FOI and Privacy rights and awareness about the functions of the Office.

The summaries were printed on the reverse side of A3 FOI and Privacy posters, to allow posters to be put up once the other side was read. Recipients of the summaries included the media, community groups, professional groups, community councils, schools, indigenous organisations, ethnic organisations, legal firms and women's organisations.



FOI and Privacy posters used to distribute Annual Report summaries

## Publications

The Office produced 17 new or updated publications covering topics like:

- FOI for journalists
- a reference guide to sample complaint handling policies
- a new 'Awareness and Training' webpage
- a new 'Reports and Submissions' webpage
- Online introductions to FOI and Privacy.

## Newsletter

The Office commenced publication of its quarterly **INF**ACT newsletter. The newsletter is aimed primarily at administrators and practitioners but is publicly available on the OIC website. Each newsletter contains feature articles on FOI and Privacy issues plus FOI and Privacy notes and summaries of recent cases of interest.

## Resource Kits

To reinforce the rights and obligations under the Act, a number of Resource Kits containing copies of the Act and Regulations, along with hard copies of Information Commissioner Guidelines and other publications were distributed to Members of the Legislative Assembly, a number of public sector organisations and media outlets.

## Website

The Information Commissioner website was reviewed and updated, with a number of new pages added to provide more information about the activities of the Office.

During 2005-06, there were over 18,000 visits to the site, with approximately 42,000 pages viewed.

The website can be accessed through the NT Government and Department of Justice internet sites or at any of the following addresses:

**[www.foi.nt.gov.au](http://www.foi.nt.gov.au)**  
**[www.privacy.nt.gov.au](http://www.privacy.nt.gov.au)**  
**[www.infocomm.nt.gov.au](http://www.infocomm.nt.gov.au)**

The screenshot shows the homepage of the Northern Territory Information Commissioner. The page has a purple header with navigation links: [About](#), [The Act](#), [Contact Us](#), [Links](#), and [Site Map](#). On the left is a search bar and a vertical menu with links to: Freedom of Information, Privacy, Correcting Information, Complaints & Appeals, Publications & Decisions, Training & Awareness, More Information, Feedback, and Records Management. The main content area features a central circular logo for the Office of the Information Commissioner, Northern Territory, with icons for Freedom of Information, Privacy, Correcting Information, Complaints & Appeals, Publications & Decisions, More Information, Records Management, and Feedback. To the right, there is a section for "Privacy Awareness Week" from 27 August to 2 September 2006, with links for Training, Submissions, and PowerPoint presentations. At the bottom, there are links for Privacy, Disclaimer, Copyright, Interpreter Service, Jobs, Northern Territory Government, and Text-Only, along with the Northern Territory Government Department of Justice logo.

## 3.2 Policy Assistance/Input

### What we do

We give assistance to government organisations that are developing or reviewing practices, policies or legislation. This includes policies about FOI or Privacy. It also includes practices, policies and legislation that raise FOI or Privacy issues. For example, a policy about use and disclosure of DNA information is likely to involve privacy issues.

We may offer assistance or input if an organisation consults us, if there is a public invitation for input, or if we otherwise become aware of a proposed policy or piece of legislation that might have FOI or Privacy implications.

There are two cases where an organisation must seek input from the Information Commissioner:

- A **Code of Practice** can be established to vary or supplement the Information Privacy Principles for a particular organisation. However, a draft Code must be recommended by the Commissioner before it can be submitted for approval to the Minister.
- The NT Archives Service prepares **Records Management Standards** to guide records management by public sector organisations. The Commissioner must be consulted to ensure consistency with the objects of the Act.

### What we did in 2005-06

**General policy assistance/input.** The Office provided over 500 hours of assistance and input in the development of policy or legislation by government. The bulk of that assistance was in relation to Privacy issues.

Much of the input was provided directly to NT government organisations. However, input was also provided:

- for the purposes of independent reviews of Territory policies or legislation
- for the purposes of reviews of Commonwealth policies or legislation that may impact on Territorians
- in response to policy or legislative proposals relating to cross-border or cross-jurisdictional issues.

For example, some of the privacy issues considered and commented on by the Commissioner during the year related to:

- installation of security cameras in public places
- the National Identity Security Framework
- unauthorised photographs on the Internet
- draft guidelines on Newborn Screening for metabolic disorders
- the protection and disclosure of indigenous information
- legislation creating a Victims' Register
- an exposure draft of the Commonwealth's *Anti-Money Laundering And Counter Terrorism Financing Bill*
- registers for notifiable diseases
- exchange of information between government organisations
- workplace privacy
- aviation security
- draft carers recognition legislation
- citizenship ceremonies.

In addition, the Commissioner served on a panel that advised Government on a review of the relationship between the *Information Act* and inconsistent provisions of other legislation (s.9), and the Secrecy provisions exemption (s.48). That process culminated in the passing of the *Information Amendment Act 2006*, which came into force on 1 July 2006.

The Office was also represented on the Police Information Integrity Working Group which discusses issues relating to information management within the NTPFES.

**Codes of Practice.** No draft Codes of Practice were submitted to the Office during the reporting year.

**Records Management Standards.** The Office considered and commented on four draft Archives Management Standards submitted to the Office during the reporting year.

## 3.3 Complaints

### What we do

We can receive complaints from:

- an FOI applicant who objects to an **internal review decision** by a public sector organisation to refuse access, to refuse correction or to charge a fee;
- a third party who objects to an FOI decision to disclose information;
- a person who is not satisfied with the response of an organisation to a privacy complaint.

When we deal with a complaint, we are independent. We do not take sides. We do not represent complainants, government organisations or anyone else involved in a complaint. We do not give legal advice.

We do our best to resolve complaints informally. Our main aim is to assist the parties to find a solution that meets their needs and obligations. We inform the parties about the rights and limitations in the *Information Act*, so that they can make a realistic assessment of what they can hope to achieve from the formal processes under the Act. We explore with the parties alternatives for resolution both within and outside the processes in the Act. Our preferred outcome is for the parties to agree on a solution.

However, if an informal resolution cannot be reached, the Information Commissioner has the power to conduct a hearing and to make binding orders.

### What we did in 2005-06

#### Commissioner's approach to formal complaints

From an early stage, the Office of the Information Commissioner has worked to assist government organisations to develop internal structures to resolve FOI and Privacy issues before they reach the stage of a formal complaint to the Commissioner.

The Office has also worked with potential complainants, and with organisations, to encourage and assist them to resolve particular issues in a timely and informal manner, without the need for a formal complaint to the Commissioner.

In 2005-06, 28 formal complaints were lodged, 23 in relation to FOI decisions and 5 in relation to Privacy issues. This represents a 115% increase on the number of complaints made in 2004-05. The increase is solely attributable to FOI complaints, which have increased from 7 to 23. Over half of those complaints were made in the last four months of the reporting year.

### **FOI complaints to the Commissioner - 2005-06**

Complaints open at end June 2005	6
Complaints received during period	23
Complaints finalised during period	8
Complaints open at end June 2006	21

(Note: Over half the complaints received during the period were received in the last 4 months of the period.)

Details of FOI complaints made to the Commissioner (in relation to each respondent organisation) are set out in Table 10 in Appendix 2.

Complaints were spread over a number of organisations. It is of note that NT Police, Fire and Emergency Services, which received approximately half the FOI applications made during the reporting period, was subject to only 5 FOI complaints during the year.

Some examples of the FOI complaints dealt with during the reporting period are:

- An employee who sought access to an organisation's internal investigation report complained that he received only a copy of a "preliminary" report and complained of delay by the organisation in processing the FOI application.
- A prisoner complained about refusal of access to evidence tape used to seal urinalysis vials in a correctional facility.
- A public housing tenant who sought access to details of complaints made about abusive behaviour at the tenanted premises complained about refusal of access based on the privacy exemption.
- A prisoner complained about apparent discrepancies in the number of photographs released to him as a result of successive FOI applications.
- A former mine worker complained about a decision that monitoring results did not exist, claiming that the information had been destroyed.
- An injured worker complained about a decision that medical assessment reports were not held by the organisation.

## Privacy complaints to the Commissioner - 2005-06

Complaints open at end June 2005	2
Complaints received during period	5
Complaints finalised during period	4
Complaints open at end June 2006	3

Details of privacy complaints made to the Commissioner (in relation to each respondent organisation) are set out in Table 11 in Appendix 2.

Examples of the Privacy complaints dealt with during the reporting period are set out below.

- A person complained that information collected by an organisation for one purpose in the 1980s was disclosed to another part of the organisation and used for a different purpose without consent.
- An ex-employee complained about disclosure and handling of information held on an organisation's personnel file, and that information on the file was incomplete and out of date.
- A person complained that an organisation had disclosed to an interstate institution the fact that a complaint had been made to the organisation, and the subject and substance of the complaint.
- A person complained that an organisation had disclosed sensitive personal information to the complainant's employer.



## 3.4 General Inquiries

### **What we do**

We run a General Inquiries service to help members of the public and public sector staff with specific questions. People can contact us by telephone (1800 005 610) or e-mail ([infocomm@nt.gov.au](mailto:infocomm@nt.gov.au)).

Inquiries may be as simple as wanting to know who within an organisation they need to contact. Or the inquirer may want more information about how a particular exemption works. We cannot give legal advice but we can assist with procedural questions and may be able to point people to relevant information like guidelines, websites, decisions or provisions of the Act.

### **What we did in 2005-06**

We publicised details of our Freecall line, e-mail address and website through media advertising, by distribution of T-shirts, multiple telephone book entries, presentations and listings in government directories.

Our General Inquiries service responded to 319 inquiries from members of the public and public sector staff. Some of the questions asked included:

- Can I get access to all my medical records from the hospital?
- Is the Northern Land Council covered under the Information Act (NT)?
- Should I disclose my license information to a website if they request it for identification?
- Can a prisoner get access to the personal information of witnesses through the FOI process?
- As a third party to an FOI application, how long do I have to reply?
- Does an FOI applicant have the right to know the identity of a third party to their application?
- Can I access information about my deceased relative?
- What are the penalties for breaching privacy principles?
- Can I apply to have a Police record that is over 20 years old removed?
- Is it possible to transfer student records from a government school to a non-government school?
- Is there a law against putting a tape recorder on the phone to record conversations?
- Can I access my medical records from the 1960s?

## 3.5 Investigations/applications

### What we do

In relation to FOI, the Commissioner can (on application from an organisation) declare a person to be a **vexatious applicant**.

In relation to Privacy, the Commissioner can:

- conduct **privacy audits** of organisations;
- investigate whether a **compliance notice** should be issued requiring an organisation to take action to comply with the Information Privacy Principles or a Code of Practice;
- (on application from an organisation) issue a **grant of authorisation** to allow an organisation to depart from the Information Privacy Principles dealing with collection, use and disclosure.

### What we did in 2005-06

While a number of preliminary inquiries were made about the scope of the vexatious applicant provisions, no formal applications to declare a vexatious applicant were received during the reporting period.

No privacy audits were conducted during 2005-06 as the focus of efforts of the Office continued to be on promoting awareness and understanding of this new legislation.

No compliance notices were issued during the year.

### Grant of authorisation to assist Red Cross Tracing Service

I dealt with one application for grant of authorisation under s.81 of the *Information Act* to depart from the Information Privacy Principles dealing with collection, use and disclosure.

In my 2004-05 Annual Report, I discussed an application by PowerWater aimed at assisting the International Tracing Service conducted by the Australian Red Cross (the ARC). The Tracing Service is primarily aimed at re-establishing contact between family members (and others with close connections) who have been separated as a result of war, internal disturbance, natural or other disaster.

PowerWater proposed to assist the ARC by using information from its customer database to identify and contact individuals in the Northern Territory to inform them that someone based overseas who has lost contact with them wants to re-establish contact. I granted an authorisation under s.81.

The Department of Planning and Infrastructure sought and was granted an authorisation for the same purpose. In granting the authorisation, I recognised the potential negative effects of multiple intrusions into the private lives of individuals if they are contacted by a number of organisations with the same purpose in mind. I therefore included in the grant terms to encourage the organisations to work together to limit duplication of approaches.

Both grants of authorisation and the accompanying reasons for decision are available on our website.

## 3.6 Improving our service

### **What we do**

So that we can do our job well, we keep up-to-date with developments in FOI and Privacy in Australia and overseas by:

- regularly reviewing FOI and Privacy publications (including websites);
- keeping in touch with other accountability offices in Australia and the Pacific region (for example, privacy commissioners, information commissioners and ombudsmen);
- being a part of various electronic FOI and Privacy networks throughout Australia; and
- attending conferences and forums about FOI and Privacy, and related issues.

### **What we did in 2005-06**

We continue to maintain contact and exchange ideas with FOI and Privacy authorities in other jurisdictions.

The chief forum for exchange between privacy authorities is the twice yearly meeting of Asia Pacific Privacy Authorities (APPA). This presently comprises privacy authorities from Australia, New Zealand, Hong Kong, Korea, the Northern Territory, NSW and Victoria. Representatives from Australian jurisdictions with administrative privacy schemes also attend.

During 2005-06, the Commissioner travelled to meetings of APPA in Melbourne and Sydney. These meetings are invaluable, as they allow briefings and discussions about current privacy issues, and promote ongoing co-operation between authorities. The Office also maintained contact with FOI authorities in Queensland and Western Australia.

We also continued to expand the range of FOI and Privacy resource materials we hold or have access to.

To promote access to those materials, we established a reading room at our Office in Cavenagh Street. The reading room is open to members of the public and to employees of organisations. However, we ask that you contact us prior to attending to confirm availability as the room is used for other purposes from time to time.

## 3.7 Managing the Office

### **What we do**

We undertake various tasks to make sure that the Office runs efficiently and is accountable for its actions and the public resources we use. This includes general administration, staff management, record keeping, planning, reporting, financial management and all the other things involved in running an office.

### **What we did in 2005-06**

During the year, we developed various general planning documents to set the overall direction for the activities of the Office, including a Business Plan for 2005-06.

We also developed a *Procedures and Policies Manual* and a *Planning and Reporting Manual* for the Office to record and explain our practices and procedures and to assist staff in the implementation of particular Office functions.

In addition, we prepared regular and ad hoc reports to meet requirements of the NT Treasury and the Department of Justice in relation to finance and general operations.

### **Resource sharing with Anti-Discrimination Commission**

Section 97 of the *Information Act* provides for the sharing of staff and physical resources of another statutory office. From its outset, the Office has been located with the Anti-Discrimination Commission (the ADC) in an effort to optimise resource use.

Under the arrangement, there is sharing of training, conference and hearing rooms, some administrative staff and equipment. The continuing goodwill and co-operation of the ADC with staff of the OIC is gratefully acknowledged.

However, it is important to note that both offices maintain separate records systems in relation to inquiries and complaints. A member of staff of the ADC may take contact details in order to have an OIC staff member return a call but otherwise personal information obtained in relation to inquiries and complaints about FOI or Privacy is not shared between the offices.

There remains potential for sharing professional resources with the ADC, although current workloads do not suggest that this would give rise to any resource savings at this time. Members of the community should rest assured that such sharing would only be undertaken after adequate measures have been developed to protect against the potential for conflict of interests and the potential for interference with individual privacy.

### **Corporate functions**

During 2005-06, the Office also received considerable support from divisions of the Department of Justice, particularly the Corporate and Strategic Services Division and the Corporate Communications Unit, and from the Department of Corporate and Information Services, in relation to matters such as communications strategies, property management, information technology support, financial management and human resources management.

## Chapter 4

### Privacy and FOI in the public sector

#### IN BRIEF

- Each public sector organisation must respond to applications for access to information it holds, and for correction of personal information;
- 23 public sector organisations received FOI access applications, including for the first time local authorities;
- 292 FOI access applications were lodged across government;
- 49% of access applications were made to the NT Police, Fire and Emergency Services;
- Overall, access was granted in full to 71% of pages sought, with edited access given to a further 7% of pages;
- 63% of applications were limited to seeking personal information about the applicant;
- 19 internal review applications were made by people wanting an organisation to review its initial FOI decision;
- 23 formal complaints were made to the Commissioner about FOI decisions, an increase from 7 in the previous period;
- Each public sector organisation must also comply with the Information Privacy Principles and deal with complaints about breaches of privacy;
- 5 formal complaints were made or referred to the Commissioner about breaches of privacy.

This Chapter discusses the activities of public sector organisations in 2005-06 in relation to the FOI and Privacy schemes, under the following headings:

- 4.1 Privacy Protection**
- 4.2 FOI Access scheme**
- 4.3 FOI Correction scheme**
- 4.4 FOI Internal review**

## 4.1 Privacy Protection

### **Responsibilities of organisations**

Each public sector organisation is bound by the Information Privacy Principles (the IPPs) set out in the Schedule to the *Information Act*. The IPPs are summarised on page 5 of this report.

Individuals can complain to an organisation about a breach of their privacy. If the person is not satisfied with the organisation's response, he or she can complain to the Information Commissioner. Complaints that have a privacy element can also be referred to the Commissioner by bodies like the NT Ombudsman and the Health and Community Services Complaints Commissioner.

In my 2004-05 Annual Report, I stressed the need for organisations to have in place good privacy complaint handling procedures and mechanisms to record and analyse complaints and complaint trends. That remains true but organisations cannot simply rely on complaints to guide their efforts to protect individual privacy.

It is inevitable that the number of formal complaints and inquiries will only ever represent a limited portion of instances of interference with privacy. In many cases in which an individual's privacy is interfered with, they will simply never find out about it.

In some fortunate cases, a breach may not result in any damage to the individual. In other cases, the person will simply not discover that they have been treated differently by another person in a personal or professional capacity because particular information has been inappropriately used or disclosed. Even in cases where the person discovers that information has been inappropriately disclosed, they may not be able to pinpoint who disclosed it.

In terms of privacy protection, individuals often start at a disadvantage. Their personal information is being taken and held by public sector organisations but they must rely on the custodians of that information to treat them with respect and to do all that is in their power to protect the information.

Organisations bear a heavy burden as the custodians of personal information. Each organisation must be vigilant to ensure that privacy is respected and protected. Privacy protection must be promoted by a variety of means. Developers of new systems, procedures and policies must build privacy assessment and protection into their development processes. Existing systems must be subject to review and audit to ensure that privacy is adequately protected. Executives within organisations must promote respect for privacy by appropriate training and by example.



## **Privacy inquiries, advice and awareness**

My Office is always willing to offer whatever assistance we can to organisations to help them meet their obligations.

Many organisations have sought advice or assistance from my Office either by way of our General Inquiries service for less complicated issues, or by requests for more detailed consideration and policy advice in relation to initiatives and reviews involving more complex privacy issues.

There has also been a high level of demand within agencies for presentations by my Office on FOI and Privacy issues. Organisations such as NT Treasury, PowerWater and the Department of Employment, Education and Training have all organised multiple tailored presentations by my Office with the aim of informing staff. Many other organisations have arranged for significant numbers of staff to attend general sessions presented by my Office.

All of this activity points to a healthy level of interest and concern within public sector organisations regarding privacy protection. The challenge for my Office and for all organisations is to ensure that this level of awareness is built upon, and that respect for privacy is built into the functioning of the NT public sector.



## 4.2 FOI Access scheme

### Applications lodged

During 2005-06, 292 applications were made to access government information under Part 3 of the *Information Act*. While this figure is similar to the 284 applications made in 2003-04, it is a significant reduction from the 394 applications received in 2004-05.

That reduction corresponds almost exactly to the reduction in the number of FOI access applications received by the NT Police, Fire & Emergency Services (NTPFES). During the reporting period, the NTPFES implemented procedures aimed at diverting certain types of request for information to administrative access schemes, thereby reducing the number of FOI applications received. There has not been a significant decrease in the number of people seeking information from the NTPFES but many requests are now dealt with under simpler, more focussed access schemes.

Notwithstanding that reduction, the NTPFES has continued to be the major recipient of access applications, receiving 49% of applications made across the whole of government.

**Table 1 - Top 5 organisations (by application received)**

Organisation	No. of applications
NT Police, Fire & Emergency Services	143
NT Treasury	37
Dept of Local Government, Housing & Sport	26
Dept of Health & Community Services	20
Dept of Employment, Education & Training	12

With one exception, the organisations receiving the most applications have broadly continued the pattern of previous years. NT Treasury received a higher number of applications than usual, chiefly because of a practice of requiring people seeking a particular type of personal information to apply under the FOI scheme. While this is a valid approach, NT Treasury is currently exploring whether access can be granted more effectively in future under an administrative access scheme.

Details of the applications lodged with each organisation, and how they were dealt with, are recorded in Appendix 2, Tables 3 and 4.

The implementation of administrative access schemes by the NTPFES and other organisations is welcomed. As I have previously noted, the *Information Act* should never be regarded as the only way to obtain access to information or as limiting the ways that an organisation can disclose information (except in order to protect the privacy of personal information).

The Act establishes a general principle of accountability. It requires public sector organisations to make available to the public such government information as is reasonably possible (s.10). The FOI access scheme in Part 3 of the Act should be regarded as a backstop to deal with cases where access issues cannot be resolved by other means.

For particular classes of information and particular classes of applicant, administrative schemes can represent a cheaper and faster alternative for both the organisation and the applicant. While they cannot be used to deny the rights of an applicant under the *Information Act*, dealing with requests for information under these less formal schemes will often be of mutual benefit.

## **Personal information**

Applicants under the FOI access scheme are not restricted to seeking information about themselves. However, many applicants do use the FOI scheme to find out about decisions or events that directly relate to them.

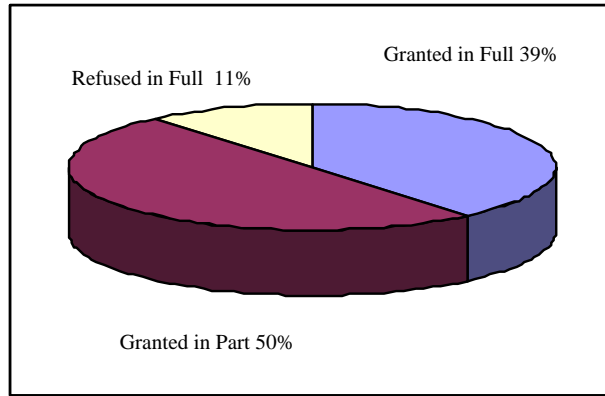
Of applications for access made during the year, 63% were limited to seeking personal information about the applicant (compared to 68% last year).

The proportion of applications limited to personal information varies significantly between organisations. For example, while 85% of applications to the Department of Health and Community Services were for access to personal information only, there were no such applications to the Department of the Chief Minister.

## **How much information did people get?**

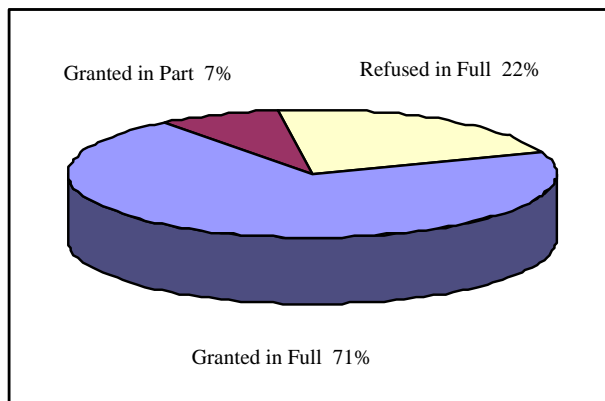
The *Information Act* recognises that there may be reasons for refusing access to some information in the public interest or on operational grounds. Details of the reasons for refusal relied on by each organisation are recorded in Appendix 2, Table 5.

The number of applications which were granted in full was lower in 2005-06 than in previous years, with 39% of applications granted in full compared with 47% and 49% in previous years. However, the number of applications granted in full or in part remained at substantially the same level, at 89%.



**Outcome by application 2005-06**

Full access was granted to 18,763 pages, with edited access given to 2,042 pages. This means that full or edited access was given to 78% of pages sought (the same proportion as in 2004-05).



**Outcome by page 2005-06**

By far the most common ground for refusal of access was again reliance on one or more of the exemption provisions. Exemption provisions are designed to protect personal and business interests of members of the community and to ensure the effective and efficient operation of government.

In many cases, only a small amount of information may be deleted from a page, for example, a complainant's name, address or home phone number. In those cases, the rest of the page is disclosed. In other cases, a larger proportion, or even a whole page may qualify for exemption. Access to information was refused on the basis of an exemption in 134 applications.

Other reasons for refusing access included decisions that:

- the information did not exist (7 applications)
- the information could not be identified (5 applications)
- the information was already publicly available (2 applications)
- the information could not be found (1 application).

## Exemptions relied on

My Office requested that organisations provide details of the number of pages in respect of which each exemption was relied on. The details were provided on the following basis:

- a page was counted even if only a small part of it was deleted
- if more than one exemption was relied on, each was counted.

Details of exemptions relied on by each organisation in 2005-06 are recorded in Appendix 2, Table 6. These figures reflect the initial decisions of organisations. In some cases, additional information has been disclosed on internal review or on complaint to the Commissioner by agreement with the organisation.

I have referred previously to the potential for one or two decisions dealing with a large number of pages to skew results for the number of times an exemption has been relied on. To reduce that potential, I have taken figures for the previous three years into consideration in preparing the following table setting out the exemptions most frequently relied on by organisations.

**Table 2 - Top 5 exemptions relied on (by page) – 1.7.03 to 30.6.06**

Exemption	No. of pages
Unreasonable interference with privacy	4,625
Legal professional privilege	2,780
Communicated in confidence	2,570
Deliberative processes	1,961
Information about proceeding before court or tribunal	1,926

(Note: The number of pages listed represents the number of pages from which information has been deleted. So, many of the pages listed above may have only had small portions deleted.)

It is not surprising that the privacy exemption tops the list. Protection of individual privacy is recognised as important for the proper functioning of the FOI access scheme. However, there is no blanket exemption for such information. In each case, there must be a consideration of public interest factors that weigh for and against disclosure. Frequently, all that will be deleted in these cases will be a name, a home address or home phone number.

The Legal professional privilege exemption recognises a common law limit on the requirement to disclose information in court proceedings. The nature of litigation promotes the creation of large numbers of documents that are likely to qualify for exemption. This may also partly explain the prominence of the exemption for information about a proceeding before a court or tribunal.

Even combining figures for three years, it is clear that some individual decisions have had a significant influence on the make-up of the Top 5. These figures should continue to be viewed with caution, and should not be regarded as necessarily indicative of long term trends as to the extent to which organisations will rely on particular exemptions.

## **Exemption certificates**

The Chief Minister has the power to issue an exemption certificate, certifying that particular government information is exempt under one of the Executive Council, Cabinet, security and law enforcement, privacy, or cultural information exemptions. An exemption certificate is conclusive evidence that it is not in the public interest to disclose the information.

The Chief Minister has advised that no exemption certificates were issued in 2005-06. No certificates have been issued since the commencement of the Act.

## **Application and processing fees**

Organisations can charge for accepting and dealing with access applications, in line with a fee structure set out in the Act and Regulations. Fees for applications restricted to personal information are considerably more limited than for applications about general information.

Overall, organisations reported charging a total of \$22,548 for application and processing fees in 2005-06. This compared with \$10,476 in 2004-05 and \$22,685 in 2003-04.

Fees can be waived or reduced in certain circumstances. The total amount of fees reported as reduced or waived was \$2,127. However, this figure does not represent the total amount of fees waived or reduced because, in cases where a decision is made to waive a processing fee before an estimate of costs is made, organisations will not usually calculate the precise fee that could have been charged.

Details of the fees charged and fees reported as being waived or reduced by each organisation are recorded in Appendix 2, Table 7.

## 4.3 FOI Correction scheme

Individuals have the right to apply to an organisation to correct personal information about them that is inaccurate, incomplete or out of date. An organisation can make the correction sought, make a different correction or refuse to correct. If the organisation refuses to make the correction sought, the applicant can require the organisation to take reasonable steps to attach to the information a statement of the applicant's opinion about the information.

During 2005-06, 9 applications were made to correct personal information. Seven of those applications were made to the NTPFES. Of the 6 cases finalised by decision, correction was made in the form requested in 4 cases and no correction was made in the other 2 cases.

Details of the applications received by each organisation are recorded in Appendix 2, Table 8.

## 4.4 FOI Internal Review

A person who is aggrieved by an initial FOI decision has a right to seek internal review of that decision by another officer within the organisation. The organisation can decide to confirm the initial decision, vary it in some respect, or revoke it and substitute another decision.

Overall, 19 internal review applications were made during the reporting period. It is of note that while applications to the NTPFES made up approximately half of the access applications made across the whole of government, only one Internal Review application was made in respect of an NTPFES decision during the period.

Of the 16 internal reviews finalised by a decision, 9 confirmed the initial decision, 6 varied the initial decision and 1 revoked the initial decision and substituted another. In 6 of the reviews, the applicant achieved a better result through the review process.

Details of the internal review applications received by each organisation are recorded in Appendix 2, Table 9.



# Appendix 1 Statement of Financial Performance

## OFFICE OF THE INFORMATION COMMISSIONER<sup>3</sup>

For the year ended 30 June 2006

	<b>\$'000</b>	<b>Total \$'000</b>
<b>OPERATING REVENUE</b>		
Output Revenue		478
Goods and Services Received Free of Charge		50
<b>TOTAL OPERATING REVENUE</b>		<b>528</b>
<b>OPERATING EXPENSES</b>		
Employee Expenses		390
<i>Administrative Expenses</i>		
Purchase of Goods & Services <sup>4</sup>		86
<i>Property Management</i>	3	
<i>Accommodation</i>	1	
<i>Communications</i>	6	
<i>Consumables / General Expense</i>	2	
<i>Document Production</i>	2	
<i>Information Technology Charges</i>	18	
<i>Library Services</i>	1	
<i>Marketing and Promotion</i>	33	
<i>Membership and Subscription</i>	2	
<i>Motor Vehicle Expenses</i>	9	
<i>Office Requisites and Stationery</i>	2	
<i>Official Duty Fares</i>	3	
<i>Other Equipment Expenses</i>	1	
<i>Training and Study</i>	2	
<i>Travel Allowance</i>	1	
Other expenses <sup>5</sup>		50
<b>TOTAL EXPENSES</b>		<b>526</b>
<b>NET SURPLUS / (DEFICIT)</b>		<b>2</b>

<sup>3</sup> The Office is also included in detailed financial statements that appear in the Department of Justice Annual Report.

<sup>4</sup> Indicative figures for Purchase of Goods and Services only.

<sup>5</sup> Includes DCIS Services Free of Charge (based on a percentage allocation of Department of Justice figures).



## Appendix 2 Statistics by public sector organisation

The following tables set out information about FOI access and correction applications made to public sector organisations, and FOI and Privacy complaints made to the Information Commissioner during 2005-06:

- **Table 3**      **Overview of FOI Access applications**
- **Table 4**      **Access Overview (Access granted in full, in part, refused)**
- **Table 5**      **Reasons for refusal**
- **Table 6**      **Exemptions relied on (by page)**
- **Table 7**      **Fees charged / Fees waived or reduced**
- **Table 8**      **FOI Correction applications**
- **Table 9**      **FOI Internal Review applications**
- **Table 10**     **FOI Complaints to Information Commissioner**
- **Table 11**     **Privacy Complaints to Information Commissioner**

The information recorded in Tables 3-9 was provided to the Office by each public sector organisation through a Statistical Return completed at the end of the reporting year. The Office appreciates the co-operation of FOI administrators within organisations in completing the Returns and responding to requests for clarification.

Comparison with figures for some departments from earlier Annual Reports is either not possible or of limited value due to restructuring that took place in mid-2005.

Abbreviations for public sector organisations referred to in the tables are:

<b>DCM</b>	Dept of the Chief Minister
<b>DCIS</b>	Dept of Corporate and Information Services
<b>DEET</b>	Dept of Employment, Education and Training
<b>DHCS</b>	Dept of Health and Community Services
<b>DoJ</b>	Dept of Justice
<b>DLGHS</b>	Dept of Local Government, Housing And Sport
<b>DNRETA</b>	Dept of Natural Resources, Environment and the Arts
<b>DPI</b>	Dept of Planning and Infrastructure
<b>DPIFM</b>	Dept of Primary Industries, Fisheries and Mines
<b>Treasury</b>	NT Treasury
<b>NTPFES</b>	NT Police, Fire and Emergency Services
<b>OCPE</b>	Office of the Commissioner for Public Employment
<b>CDU</b>	Charles Darwin University
<b>TIO</b>	Territory Insurance Office
<b>HPLA</b>	Health Professions Licensing Authority
<b>Jabiru TDA</b>	Jabiru Town Development Authority

The Department of Business, Economic and Regional Development did not report receiving any applications during the year.

**Table 3 - Overview of FOI Access applications** (Figures are for number of applications)

<b>Organisation</b>	<b>Lodged<sup>6</sup></b>	<b>Finalised</b>	<b>Not accepted<sup>7</sup></b>	<b>Transfer</b>	<b>Withdrawn<sup>8</sup></b>	<b>Pending at end year</b>
<b>Chief Minister (Dept)</b>	<b>3</b>	<b>2</b>		<b>1</b>		
<b>Corporate and Information Services (Dept)</b>	<b>8(3)</b>	<b>9</b>	<b>1</b>	<b>1</b>		
<b>Employment, Education and Training (Dept)</b>	<b>12</b>	<b>8</b>	<b>1</b>			<b>3</b>
<b>Health and Community Services (Dept)</b>	<b>20(8)</b>	<b>22</b>			<b>5</b>	<b>1</b>
<b>Justice (Dept)</b>	<b>6</b>	<b>4</b>			<b>1</b>	<b>1</b>
<b>Local Government, Housing And Sport (Dept)</b>	<b>26</b>	<b>17</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>1</b>
<b>Natural Resources, Environment and the Arts (Dept)</b>	<b>3</b>	<b>1</b>			<b>1</b>	<b>1</b>
<b>Planning and Infrastructure (Dept)</b>	<b>6(6)</b>	<b>9</b>	<b>1</b>	<b>1</b>		<b>1</b>
<b>Primary Industries, Fisheries and Mines (Dept)</b>	<b>5</b>	<b>2</b>	<b>1</b>		<b>2</b>	
<b>Treasury</b>	<b>37</b>	<b>36</b>	<b>1</b>			
<b>Police, Fire and Emergency Services</b>	<b>143(7)</b>	<b>116</b>	<b>6</b>		<b>11</b>	<b>17</b>
<b>Office of Commissioner for Public Employment</b>	<b>3(1)</b>	<b>4</b>				
<b>Territory Insurance Office</b>	<b>3</b>	<b>3</b>				
<b>Health Professions Licensing Authority</b>	<b>2</b>	<b>1</b>	<b>1</b>			
<b>Ombudsman</b>	<b>2</b>	<b>2</b>				

<sup>6</sup> Numbers in brackets are for applications carried over from previous reporting period.

<sup>7</sup> Reasons for non-acceptance may include non-payment of the \$30 application fee, failure to be satisfied as to the identity of the applicant, information outside the scope of the Act, eg., non-personal information held by a GBD or GOC, or non-personal information created before 1 July 1993.

<sup>8</sup> A number of applications were withdrawn after access to information was provided under administrative schemes.

Table 3 - continued

Organisation	Lodged <sup>9</sup>	Finalised	Not accepted <sup>10</sup>	Transfer	Withdrawn <sup>11</sup>	Pending at end year
PowerWater	2		2			
Charles Darwin University	1(1)	1				1
Jabiru Town Development Authority	1				1	
Tourism NT	1	1				
Darwin City Council	5	3			2	
Alice Springs Town Council	1	1				
Coomalie Community Council	1	1				
Jabiru Town Council	1	1				
<b>TOTAL</b>	<b>292(26)</b>	<b>244</b>	<b>19</b>	<b>5</b>	<b>24</b>	<b>26</b>

<sup>9</sup> Numbers in brackets are for applications carried over from previous reporting period.

<sup>10</sup> Reasons for non-acceptance may include non-payment of the \$30 application fee, failure to be satisfied as to the identity of the applicant, information outside the scope of the Act, eg., non-personal information held by a GBD or GOC, or non-personal information created before 1 July 1993.

<sup>11</sup> A number of applications were withdrawn after access to information was provided under administrative schemes.

Table 4 - Access Overview – (Access granted in full, in part or refused)

Organisation <sup>12</sup>	Applications granted in full	Applications granted in part	Applications refused in full	Pages granted in full	Pages granted in part	Pages refused in full
DCM	1		1	36		
DCIS	1	8		2,174	24	303
DEET	3	5		3,358	509	648
DHCS	9	6	7	4,758	222	1,307
DoJ		3	1 <sup>13</sup>	424	125	272
DLGHS	5	11	1	1,141	347	323
DNRETA		1		359	14	30
DPI		9		423	53	245
DPIFM	2			91		
Treasury	34	2		2,449	2	200
NTPFES	34	68	14	2,045	599	1,599
OCPE	2	2		359	3	232
TIO		3		263		397
HPLA	1			40		
Ombudsman		2		526	118	118
CDU			1			39
Tourism NT		1		15	2	
Darwin CC	1	2		51	24	9
Alice Springs TC	1			250		
Coomalie CC	1			1		
Jabiru TC			1			1
<b>TOTAL</b>	<b>95</b>	<b>123</b>	<b>26</b>	<b>18,763</b>	<b>2,042</b>	<b>5,723</b>

<sup>12</sup> See page 41 or Table 3 for full titles of organisations.

<sup>13</sup> Refused in full because documents did not exist.

Table 5 - Reasons for refusal

(Figures are for number of applications. In any one application, access to information may be refused for one or more reasons).

Organisation	Exempt	Already publicly available	Does not exist	Can't be found	Can't be identified	Deferred (s.23)	Unreasonable interference with operations	Neither confirm nor deny <sup>14</sup>	Not covered by Act <sup>15</sup>
DCM			1						
DCIS	8								
DEET	5	1	1						
DHCS	10		2	1					
DoJ	3		1						
DLGHS	9	1	1						1
DNRETA	1								
DPI	8								1
Treasury	2								
NTPFES	76		1		5				
OCPE	2								
TIO	3								
Ombudsman	2								
CDU	1								
Tourism NT	1								
Darwin CC	2								
Jabiru TC	1								
<b>TOTAL</b>	<b>134</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>5</b>				<b>2</b>

<sup>14</sup> If it is not in the public interest for an applicant to know whether information exists, the organisation is not required to confirm or deny the existence of information.

<sup>15</sup> For example, information may not fall within the Act if it is non-personal information that is held by a GOC or GBD, or if it was created or received before July 1993.

## Table 6 - Exemptions relied on (by page)

This table lists the number of times that access was refused to pages in full or granted in part on the basis of particular exemptions. A page is counted even if only a small amount of information was deleted from it. Each exemption is counted even if the same information was found to be exempt under several provisions (see Table 4 for total number of pages to which access was granted in part or refused in full).

If an exemption has not been relied on, it is not included in the Table. Organisations that have relied on only one or two exemptions are listed at the bottom of the Table.

Exemption and section number	DCIS	DEET	DHCS	DoJ	DLGHS	NRETA	DPI	Treasury	NTPFES	OCPE	Omb	TOTAL
<b>Executive Council, Cabinet, Territory economy - s.45(1)</b>												
(a)(i)			37	47				50				134
(a)(ii)				2								2
(a)(iii)			37									37
(a)(iv)				2	11							13
(a)(v)					17							17
<b>Security and law enforcement – s.46</b>												
(2)(a)									1,095			1,095
(2)(b)			9									9
(2)(c)			9		1				59			69
<b>Corresponding FOI law – s.47</b>												0

Exemption and section number	DCIS	DEET	DHCS	DoJ	DLGHS	NRETA	DPI	Treasury	NTPFES	OCPE	Omb	TOTAL
Secrecy provisions – s.48			12				33				37	82
Preservation of system of justice – s.49												
(b)									20			20
(c)				13				100	168			281
(d)	174	526	120	94	12	23	118	52	28	49		1,196
(e)				6	59							65
Inter-governmental relations – s.51												0
Deliberative processes – s.52	107	6	35	135	25	10	128	200		92	89	1,218
Effective operation organisations – s.53												
(b)	3											42
(c)										14		14
Health, safety, environment – s.54(a)			850		41							891

Exemption and section number	DCIS	DEET	DHCS	DoJ	DLGHS	NRETA	DPI	Treasury	NTPFES	OCPE	Omb	TOTAL
<b>Confidentiality obligations – s.55</b>												
(1)	21		131	14	15							181
(3)	15		131	57	146				43	104	2	498
<b>Privacy – s.56(1)(a)</b>	23	625	334	27	130	11	50		796		121	2,151
<b>Commercial and business – s.57(1)(b)</b>	6				41						3	58
<b>Financial and property interests – s.58</b>												0

The following organisations relied on only one or two exemptions (pages are included in the “Total” figures in the Table):

- TIO s.52, 391 pages, s.57(1)(b), 6 pages
- CDU s.53(b), 39 pages
- Tourism NT s.57(1)(b), 2 pages
- Darwin CC s.56(1)(a), 33 pages
- Jabiru TC s.56(1)(a), 1 page.



Table 7 - Fees charged / Fees waived or reduced

Organisation	Fees charged		Fees waived or reduced	
	Application \$	Processing \$	Total of application fees waived or reduced \$	Total of processing fees waived or reduced <sup>16</sup> \$
DCM	90			
DCIS	30			
DEET	30	56		
DHCS	48	28	30	1,049
DoJ	90	7,545	30	
DLGHS	180	4,601		
DNRETA	60			
DPI	120	1,581	30	395
DPIFM	60			
Treasury	60	3,158		
NTPFES	900	3,425	120	350
OCPE			60	
Ombudsman		106		
CDU	30			
Jabiru TDA	30			
Tourism NT	30			3
Darwin CC	90	140	60	
Alice Springs TC	30			
Coomalie CC	30			
<b>TOTAL</b>	<b>1,908</b>	<b>20,640</b>	<b>330</b>	<b>1,797</b>

<sup>16</sup> This figure does not represent the total amount of fees waived or reduced because, in cases where a decision is made to waive a processing fee before an estimate of costs is made, organisations will not usually calculate the precise fee that could have been charged.

Table 8 - FOI Correction applications

This Table records details of applications for correction of personal information. Applications are made on the basis that the information sought to be corrected is inaccurate, incomplete or out of date. An organisation can decide to make the correction specified, make a correction in another form or refuse to make a correction. If an applicant remains unsatisfied, he or she can require the organisation to take all reasonable steps to associate with the information a statement of the applicant's opinion.

Organisation	Lodged	Withdrawn	Open at end year	Finalised	Correction made as specified	Correction made in other form	No correction made	Statement by applicant associated
DPI	1			1	1			
NTPFES	7	1	1	5	3		2	
OCPE	1	1						
<b>TOTAL</b>	<b>9</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>4</b>		<b>2</b>	

## Table 9 - FOI Internal Review applications

This Table records details of applications to each organisation for internal review of an initial FOI decision.

Organisation	Lodged	Withdrawn	Open at end year	Finalised	Initial decision confirmed	Initial decision varied	Initial decision revoked	Applicant did better
DCIS	2			2		2		1
DHCS	4	1		3	3			
DHLGS	2		1	1	1			
DPI	1			1		1		1
DPIFM	3			3	3			
Treasury	2			2	1	1		1
NTPFES	1			1		1		1
TIO	1			1			1	1
HPLA	1	1						
CDU	1			1		1		1
Jabiru TC	1			1	1			
<b>TOTAL</b>	<b>19</b>	<b>2</b>	<b>1</b>	<b>16</b>	<b>9</b>	<b>6</b>	<b>1</b>	<b>6</b>

## Table 10 – FOI Complaints to Information Commissioner

All figures are for number of complaints.

<b>Respondent Organisation</b>	<b>Lodged<sup>17</sup></b>	<b>Not accepted</b>	<b>Resolved informally</b>	<b>Open at end year</b>
DEET	6(2)		1	7
DHCS	2			2
DOJ	2	2		
DLGHS	1		1	
DPIFM	3	1		2
NTPFES	5(1)	1		5
CDU	1			1
OCPE	(2)			2
HPLA	(1)		1	
TIO	2		1	1
Jabiru TC	1			1
<b>TOTAL</b>	<b>23(6)</b>	<b>4</b>	<b>4</b>	<b>21</b>

<sup>17</sup> Figures in brackets for complaints carried over from previous year.

## Table 11 – Privacy Complaints to Information Commissioner

All figures are for number of complaints.

<b>Respondent Organisation</b>	<b>Lodged<sup>18</sup></b>	<b>Not accepted</b>	<b>Resolved informally</b>	<b>Open at end year</b>
<b>DEET</b>	<b>(1)</b>		<b>1</b>	
<b>NTPFES</b>	<b>(1)</b>		<b>1</b>	
<b>CDU</b>	<b>1</b>			<b>1</b>
<b>HPLA</b>	<b>1</b>	<b>1</b>		
<b>OCPE</b>	<b>1</b>			<b>1</b>
<b>TIO</b>	<b>2</b>	<b>1</b>		<b>1</b>
<b>TOTAL</b>	<b>5(2)</b>	<b>2</b>	<b>2</b>	<b>3</b>

<sup>18</sup> Includes direct complaints and complaints referred from another body. Figures in brackets for complaints carried over from previous year.



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