



**Australian Government**  
**Office of the Australian  
Information Commissioner**

Office of the Australian  
Information Commissioner

# Annual report 2023–24

OAIC



# Office of the Australian Information Commissioner

Annual report 2023–24



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Office of the Australian Information Commissioner Annual report 2023–24



**Australian Government**

**Office of the Australian Information Commissioner**

**The Hon Mark Dreyfus KC MP**

Attorney-General  
Parliament House  
Canberra ACT 2600

Dear Attorney-General

I am pleased to provide the Office of the Australian Information Commissioner's (OAIC's) *Annual report 2023–24*.

This report has been prepared for the purposes of s 46 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), which requires that I provide an annual report to you for presentation to Parliament. In accordance with ss 39(1)(b) and 43(4) of the PGPA Act, this report includes the agency's annual performance statements and audited financial statements.

Section 30 of the *Australian Information Commissioner Act 2010* (AIC Act) also requires the Information Commissioner to prepare an annual report on the OAIC's operations, including a report on freedom of information matters (defined in s 31 of the AIC Act), privacy matters (defined in s 32 of the AIC Act), and consumer data right matters (as defined by s 32A of the AIC Act). The freedom of information matters include a summary of the data collected from Australian Government ministers and agencies in relation to activities under the *Freedom of Information Act 1982*.

I certify that the OAIC has prepared a fraud and corruption risk assessment and fraud and corruption control plan as required by s 10 of the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule). We also have a number of appropriate fraud and corruption prevention, detection, investigation, and reporting mechanisms in place.

The OAIC has taken all reasonable measures to minimise the incidence of fraud and corruption related to the agency.

The *Annual report* reflects the OAIC's change in accountable authority during its preparation. The financial statements have been signed by Commissioner Angelene Falk, who has also provided the overview for 2023–24. I am pleased to present the performance statement and report in full.

I certify that this report has been prepared in line with the PGPA Rule.

Yours sincerely

**Elizabeth Tydd**

Australian Information Commissioner  
8 October 2024

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## Acknowledgement of Country

The Office of the Australian Information Commissioner acknowledges Traditional Custodians of Country across Australia and recognises their continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures, and to Elders past and present.

*Pictured: An aerial view of Roebuck Bay, Broome, Western Australia. Roebuck Bay is 'Yawuru Nagulagun', which means 'Yawuru sea country'. It lies in the traditional country of the Yawuru and Djugun peoples.*



# Part 1

## Overview

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# About the OAIC

The Office of the Australian Information Commissioner (OAIC) is an independent statutory agency in the Attorney-General's portfolio, established under the [Australian Information Commissioner Act 2010](#) (AIC Act).

Our purpose is to promote and uphold privacy and information access rights.

We do this by:

- ensuring proper handling of personal information under the [Privacy Act 1988](#) and other legislation
- protecting the public's right of access to documents under the [Freedom of Information Act 1982](#) (FOI Act)
- carrying out strategic information management functions within the Australian Government under the AIC Act.

Our regulatory activities include:

- conducting investigations
- handling complaints
- reviewing decisions made under the FOI Act
- monitoring agency administration
- providing advice to the public, organisations and Australian Government agencies.

Our vision is to increase public trust and confidence in the protection of personal information and access to government-held information.

Our guiding principles across 2023–24:

- **Engaged** – We are active contributors and collaborators in the contemporary application of information protection and management legislation and regulation for businesses, government and the community.
- **Targeted** – We allocate resources efficiently, taking appropriate action in responding to risk and public expectations of Commonwealth regulators.
- **Expert** – We are a trusted authority on data protection and access to information, advising on policy, legislative reform and regulatory action, and providing education and guidance.

- **Independent** – We are professional by nature, and fair and impartial by application.
- **Agile** – We are collaborative in our response to changes in technology, legislation and the expectations of the community and government.

## Outcome and program structure

Our Portfolio Budget Statement describes the OAIC's outcome and program framework.

<b>Outcome 1:</b>	Provision of public access to Commonwealth Government information, protection of individuals' personal information, and performance of Information Commissioner, freedom of information and privacy functions.
<b>Program 1.1</b>	Complaint handling, compliance and monitoring, and education and promotion.

Our annual performance statement details our activities and key deliverables and measures our performance against our Portfolio Budget Statement targets and the key activities set out in our [Corporate plan 2023–24](#).

Our key activities are to:

- influence and uphold privacy and information access rights frameworks
- advance online privacy protections for Australians
- encourage and support proactive release of government information
- take a contemporary approach to regulation.

## Regulatory focus

The OAIC identified 4 areas for regulatory focus in 2023–24:

- online platforms, social media and high privacy impact technologies
- security of personal information
- ensuring the privacy safeguards in the Consumer Data Right are effectively implemented by participants
- the timely and proactive release of government-held information.

In discharging our regulatory functions, we adhere to the following principles of regulatory best practice:

*Continuous improvement and building trust* – adopting a holistic view, continuously monitoring and seeking to improve our performance, capability and culture, and building trust and confidence in our regulatory functions.

*Adopting a risk-based and data-driven approach to our activities* – to manage risks proportionally and maintain essential safeguards by leveraging data, evidence-based methods and digital technology, to support our activities and reduce administrative burden on those we regulate.

*Collaboration and engagement* – being transparent and responsive to the needs of the community and those we regulate, genuinely engaging with and seeking feedback from our stakeholders on our performance, and implementing regulation in a modern and collaborative way.

The OAIC monitors our performance against the principles of regulatory best practice through our performance measurement framework – specifically measures 4.1, 4.2 and 4.3.



# Overview from the Australian Information Commissioner

It has been a busy and important year for the OAIC. We have returned to a true, three-commissioner model, with the appointment of a standalone privacy commissioner, Carly Kind, who joined the OAIC in February 2024, together with Freedom of Information Commissioner Elizabeth Tydd. It has been my great privilege and pleasure to work alongside the FOI and privacy commissioners, who bring exceptional expertise to the OAIC.

This has been a very positive move to bolster the OAIC to carry out our important statutory functions, alongside our consideration of our forward structure. This followed the strategic review undertaken across November to February. It comes at a critical time, ahead of long-sought improvements to the Privacy Act to be introduced into Parliament, and a clear continuing imperative to help drive better access to information practices across government.

Privacy has been very much in the spotlight, with the continuing incidence of major data breaches. In 2023–24, we received 13% more notifications under the Notifiable Data Breaches (NDB) scheme than the year prior, when there was a 4% increase. We lifted our response rate, closing 84% of notifications within 60 days (compared to 77% last reporting year).

In the 2022–23 financial year we received a 34% increase in privacy complaints. This year, complaints have remained relatively high, with a slight decrease of 5% year on year. We successfully responded to this high demand, finalising 20% more privacy complaints (3,104 in total), building on last year's increase of 17% (2,576 finalised in total).

We continued our focus on clearing longer-standing, generally more complex and resource-intensive complaints, finalising 84% (271) of the 322 matters that were over 12 months old as at June 2023. At the same time, more recent complaints increased in age over the reporting period. The volume of complaints, combined with the focus on the longest-standing, meant that by the year's end there was an overall increase in matters older than 12 months to 729. The OAIC will continue to focus on aging cases through process efficiencies and the strategic application of resources.

We commenced civil penalty proceedings into Australian Clinical Labs and Medibank Private following investigations of their data breaches. Our view is that both companies seriously interfered with the privacy of millions of Australians by failing to take reasonable steps to protect their personal information from unauthorised access or disclosure.



We also continued to progress significant investigations into Optus and the Latitude group of companies in relation to their data breaches, and commenced an investigation into HWL Ebsworth Lawyers following theirs.

It came as no surprise that the results from our three-yearly Australian Community Attitudes to Privacy Survey (ACAPS), released in August 2023, showed a sharp increase in the number of Australians who feel data breaches are the biggest privacy risk they face today.

The findings point to several areas where organisations can do more to build trust in the community, and it is increasingly clear that good privacy practices are a community expectation, as well as being required by law. The survey findings also show the strong community support for privacy law reform, and the OAIC looks forward to seeing the very necessary updates to the Privacy Act come to fruition.

Another notable highlight of 2023–24 has been our work in support of the implementation of the Digital ID program, as the OAIC gears up to regulate the privacy aspects of the Digital ID system. The new system has important privacy safeguards for Australians to digitally verify their ID online and reduce the need for collection and retention of identity information.

Our collaborative work with other regulators, both domestically and internationally has continued, with a notable highlight being the OAIC's election to the Executive Committee of the International Conference of Information Commissioners (ICIC), where the OAIC will be working with other ICIC members to foster the protection and the promotion of access to

public information as a fundamental pillar of social, economic and democratic governance.

Our FOI functions have benefitted across 2023–24 from the energy, focus and expertise brought by Acting FOI Commissioner Toni Pirani and FOI Commissioner Elizabeth Tydd, who have implemented a range of measures to help the OAIC address the FOI backlog and assist agencies to better support the community's right to access information.

The OAIC's dedicated push to clear FOI complaints resulted in a 204% increase in FOI complaints finalised in 2023–24, despite a 27% increase in the number received. We also saw an increase (7%) in the number of Information Commissioner (IC) reviews requested this reporting year (1,766 compared to 1,649 the year prior). People can request IC reviews if they are not happy with an agency's decision in response to their FOI request, or if the agency has not made a decision within the time the FOI Act allows.

We achieved a 15% increase in IC reviews finalised – finalising 1,748 in total, compared to 1,518 last year.

We continued our focus on clearing longer-standing IC reviews. We finalised 42% (510) of the 1,217 matters that were over 12 months old as at June 2023, clearing the bulk of those that were the oldest, and generally more complex. However with additional IC reviews coming in over the year, this brought us to a total of 1,157 matters on hand at 30 June 2024 that were over 12 months old at that date. The year also saw 207 s 55K IC review decisions being made, a record number for the history of the OAIC and an increase from 68 the previous year.<sup>1</sup>

The FOI team, and those across the OAIC who assisted, are to be commended for the notable strides the OAIC has taken over this period, which represents a very positive position for the OAIC to continue its important work in this regulatory domain.

The completion and release of the OAIC's third five-yearly review of the Information Publication Scheme (IPS) was another highlight of the year. The IPS requires Australian government agencies to

publish a broad range of information and authorises agencies to release other information to the public proactively, to support greater openness and transparency. The OAIC is asking agencies to review the results and trends in order to improve proactive release and foster an 'open by design' culture.

The end of 2023–24 marks a transition for the OAIC, with a new Information Commissioner, Elizabeth Tydd, starting at the end of my term in August 2024. Commissioner Tydd brings exceptional expertise and deep experience to the role. The transition has been made all the more seamless through our work together over the past months.

It has been a great privilege to serve as both Information Commissioner and Privacy Commissioner across 2 terms spanning 6 years. The OAIC is a confident regulator able to use the full range of our regulatory powers, with a number of civil penalty proceedings filed. During that time, the remit of the OAIC has also expanded considerably, with oversight of the privacy aspects of new laws and programs such as the NDB scheme, My Health Record opt out system, Consumer Data Right (CDR) and Digital ID, along with an exponential increase in the demand for the OAIC's services across FOI and privacy. Now at least 37 different pieces of primary and subordinate legislation confer responsibilities on the OAIC or require other bodies to consult us on privacy matters.

The OAIC is experienced in managing change, with significant changes occurring to its composition and funding over its 14-year span. This change continues, with reduced budget over the forward estimates, while the remit of the OAIC continues in importance. The recent and proposed reforms to the Privacy Act and the exponential increase in demand for FOI services provide a compelling case for the OAIC's resources to meet the future expectations of organisations, government and the community.

Just as I am confident that there are many more important developments to come, I know that the dedicated staff who have achieved so much on behalf of the Australian community will continue to deliver on the OAIC's purpose: to promote and protect privacy and information access rights. As always, the achievements in this annual report are theirs.

**Angelene Falk**  
15 August 2024

<sup>1</sup> Under s 55K of the FOI Act, the Information Commissioner, after undertaking an IC review, must make a decision in writing to either affirm or vary the decision of the agency or minister or to set it aside and make a fresh decision.

# Overview from the Privacy Commissioner

I commenced as Privacy Commissioner in February 2024, at a significant and exciting time for the OAIC as it returned to the three-Commissioner model established – and intended – under legislation.

As the new Privacy Commissioner, I have greatly appreciated the insights and experience of the OAIC's longstanding Information and Privacy Commissioner, Angelene Falk, and the opportunity to build on the work that has been done over her term in the combined commissioner role.

We continued to receive a high number of privacy complaints in 2023–24, as well as a high number of data breach notifications, but still managed to make significant headway in clearing the longest-standing (and often more complex) complaints.

This notable progress will stand us in good stead over the coming year, particularly as we turn to the prospect of privacy reform, and the task of raising awareness of the changes it will bring.

My term commenced with preparations for Privacy Awareness Week 2024, which brought with it the opportunity to connect with privacy professionals, businesses and government agencies at a range of speaking events, as well as the broader community through media interviews.

It was a pleasure to see how this year's call to 'power up your privacy' and the international theme of improving transparency, accountability and security, resonated in the community and helped to provide organisations with useful tools to prompt greater privacy awareness among staff and customers, and uplift their own privacy practices.

In the regulatory space, the OAIC continued to progress our investigations into Optus and the Latitude group of companies, commenced an investigation into HWL Ebsworth Lawyers and commenced civil penalty proceedings in the Federal Court against Australian Clinical Labs and Medibank Private.

We also commenced and closed preliminary inquiries into TikTok – with the caveat that what we have seen with TikTok, and others, serves to highlight the need for reform of the Privacy Act. We need legislation that is fit-for-purpose to tackle the challenges of today's digital ecosystem, including developments in the

use of artificial intelligence (AI), and the risks the online and connected world poses for children and people who are vulnerable.

We are considering steps to address broader issues raised by tracking tools that have become commonplace on websites today, with a focus on tools that could facilitate the transfer of sensitive information. We will also be publishing information on key privacy issues organisations must consider when configuring and deploying tracking tools on their websites.

The OAIC has been glad to contribute to the review of the Privacy Act and provide feedback to the government's proposed response. This was a key area of focus in 2023–24 and continues what has been a long journey in the OAIC's advocacy for an improved privacy framework for Australians.

We also contributed to a range of other areas of legislation, inquiry and policy in the privacy space, including on digital health, credit reporting and the CDR. The government's Digital ID initiative has been another key area relating to privacy, and the privacy elements of this will continue to be a focus for the OAIC going forward.

Our international regulatory work in privacy also progressed, as we continued to identify areas of emerging regulatory intersection with privacy in the digital society and economy through our work on the Global Privacy Assembly's Digital Citizen and Consumer Working Group.

Another fruitful area has been our work on AI with the Digital Platform Regulators Forum, and we will be releasing guidance on privacy aspects of AI in coming months.

With privacy reform on the way, a key focus of the year to come will be helping to raise awareness of what is required among businesses and other organisations, supporting government agencies to be leaders in privacy practice, and promoting community awareness of privacy rights and why they matter.

**Carly Kind**



## Overview from the FOI Commissioner

The 2023–24 year has been a productive and notable one for the OAIc’s freedom of information functions.

Our guiding lights are the objects of the FOI Act:

- to give the Australian community access to information held by government, by requiring agencies to publish that information and by providing for a right of access to documents
- to promote Australia’s representative democracy by increasing public participation in government processes, with a view to promoting better-informed decision making
- to promote Australia’s representative democracy by increasing scrutiny, discussion, comment and review of government activities
- to increase recognition that information held by government is to be managed for public purposes and is a national resource
- that powers and functions under the FOI Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

For these objects to flourish, we know that it is important to create the right environment. Government departments and agencies need to understand and provide leadership on FOI and access to information at the highest level. FOI practitioners need to be supported with the right information, tools and support to do their jobs well. The OAIc as a regulator needs to be able to effectively regulate and advise.

A key challenge we grappled with across 2023–24 was a backlog of FOI matters accompanied by increased demand. We successfully introduced a range of measures to counter this, including the establishment of a cross-OAIc surge team, and identifying priority cohorts including for matters where the FOI applicant has not received a decision about access to documents (such as charges, searches, practical refusals and deemed refusals). As a result of the hard work done through this period, we have cleared a very large amount of outstanding matters (see pages 30–32) and are well positioned to focus on next steps.

The progress made is a credit not only to the dedicated staff both in FOI and across the OAIc who helped achieve this progress, but also the leadership of Acting FOI Commissioner Toni Pirani, who initiated a range of positive measures during her term.

I was pleased to build on this foundation as FOI Commissioner, and this important work continues

under Ms Pirani as FOI Commissioner from August 2024, when I took up the role of Information Commissioner.

Another key focus of the year has been how we can support agencies to do FOI better. With that in mind, we have engaged with agency heads, and with senior leaders through an FOI leadership group. We have also expanded and updated the guidance we provide to agencies.

Our five-yearly Information Publication Scheme (IPS) review has provided valuable data and insights into what is working well, and where there is room to improve. To add to these insights, we have since sought the views of FOI practitioners through a survey, and will use this data to improve both our own practices and provide further guidance to agencies.

We have also focused on what FOI practitioners need now, by holding a range of webinars across the year, and providing ongoing updates through our Information Contact Officers Network (ICON) alerts.

We also consulted on and substantively revised 2 procedure directions for IC reviews to better position the engagement of agencies and applicants in the IC review process. These updates are intended to help improve agencies’ first-instance decision making, direct processes towards prompt finalisation, and promote efficient resolution of IC reviews. We have also revised and updated our FOI guidelines (sections 5, 6, 9 and 13), and consulted on revisions to Part 2 on the scope of application of the FOI Act.

We will continue to be proactive in providing support and guidance to agencies and FOI practitioners. Over the coming year, we will be implementing a range of measures to continue to increase the OAIc’s regulatory effectiveness, enhance the regulatory impact of Information Commissioner reviews, and identify and help to address practitioner capability gaps.

Building on the solid foundations of the work done already, we are ready to bring in new improvements across the coming year to further uplift the capacity of government agencies to deliver the intent of the right to access information – a more accountable and transparent system of government.

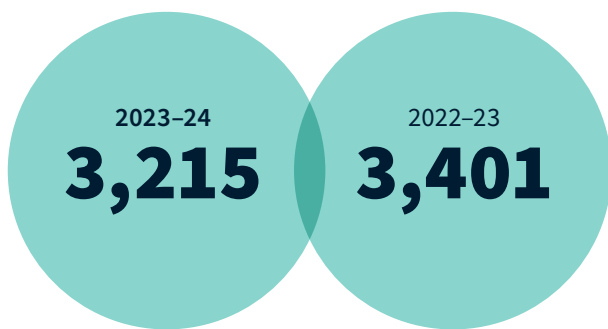
**Elizabeth Tydd**



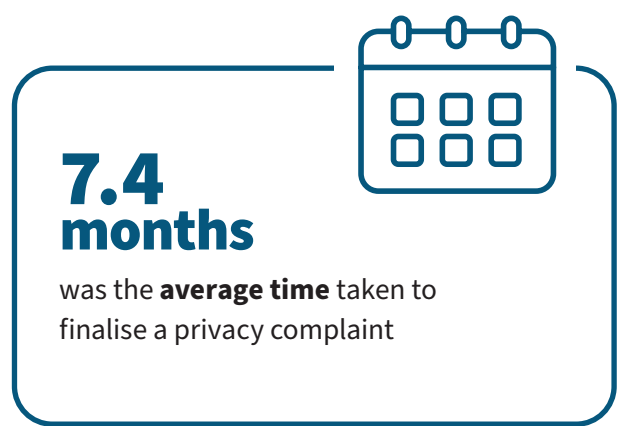
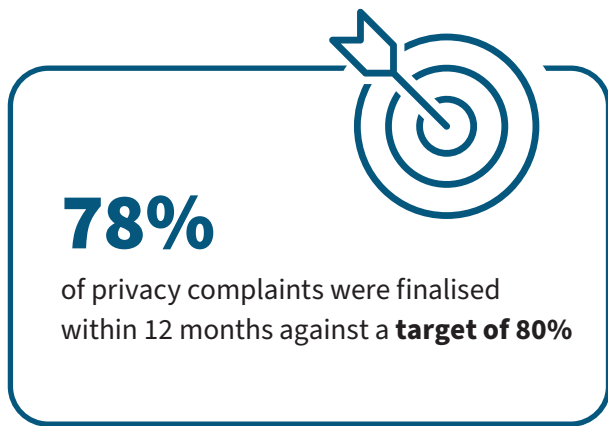
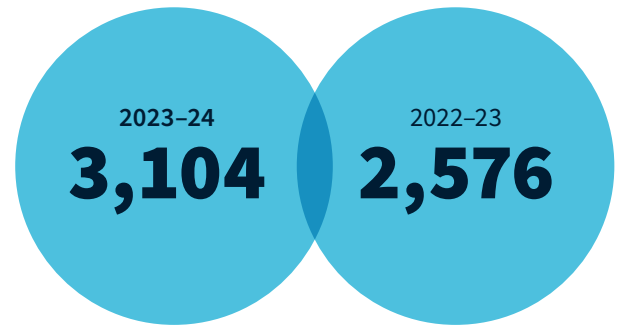
# Our year at a glance

## Privacy complaints

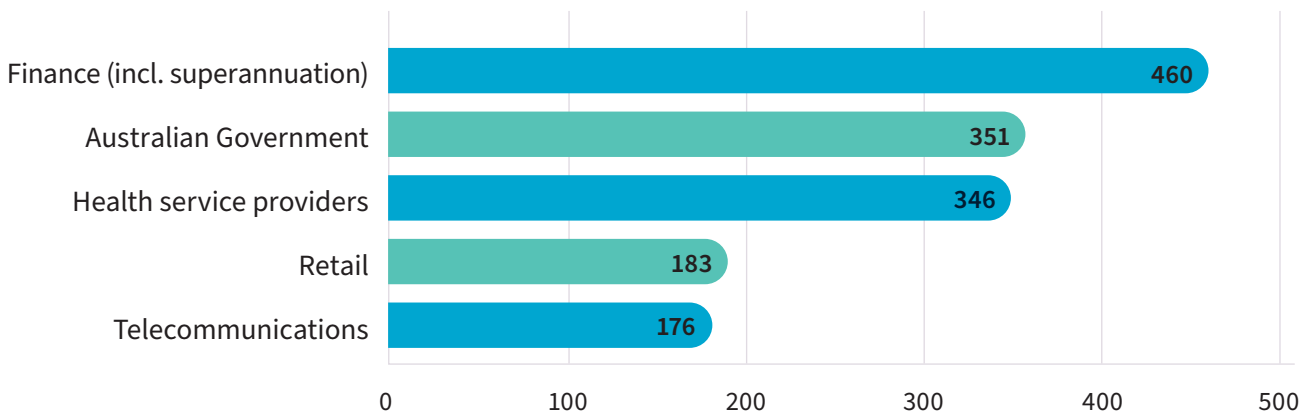
We received **5% fewer** privacy complaints



We finalised **20% more** privacy complaints



**Top 5 sectors** by privacy complaints received received in 2023-24



## Privacy enquiries

We handled

**10,476**

privacy enquiries

**↓ 10%**

reduction from 2022–23

## Notifiable Data Breaches scheme

We received **13% more** notifications under the Notifiable Data Breaches scheme



**7,659**

phone



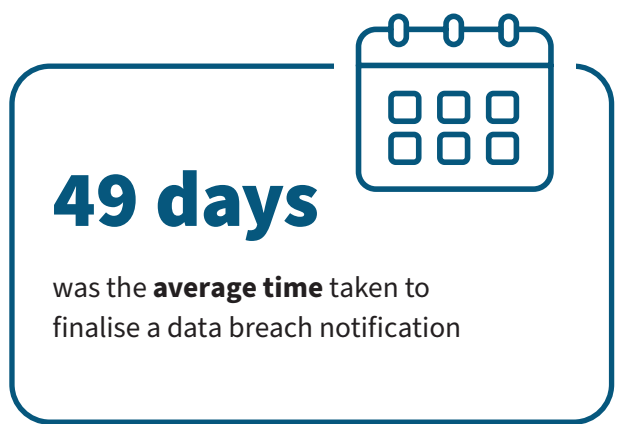
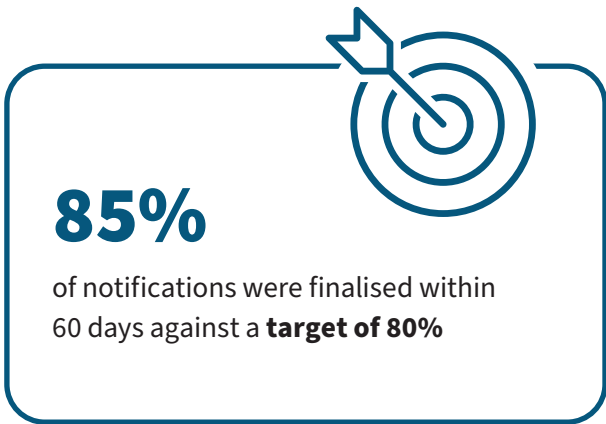
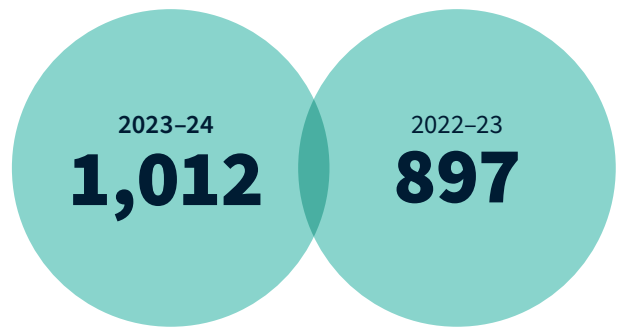
**2,815**

written

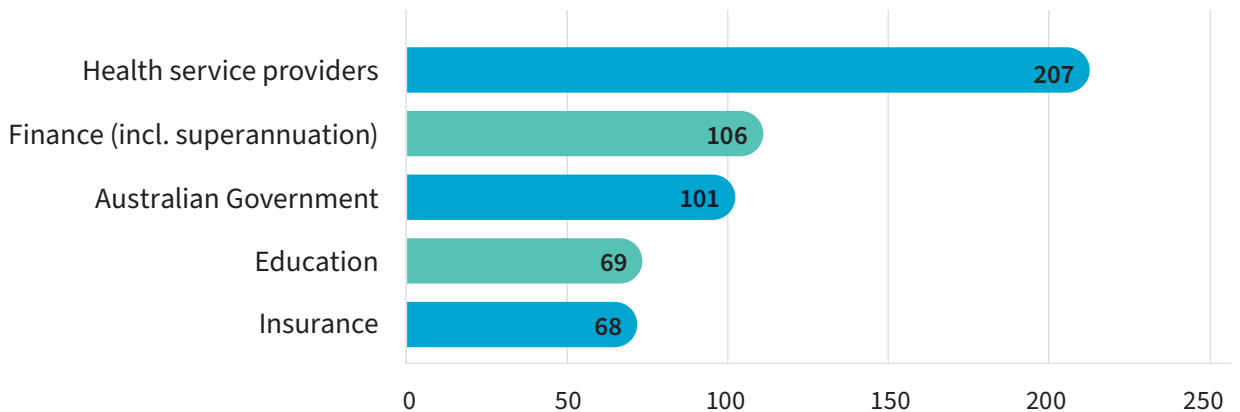


**2**

in-person



### Top 5 sectors by data breach notifications received received in 2023–24





# Our year at a glance

## Freedom of information (FOI) enquiries

We handled  
**1,617**  
FOI enquiries

↓ **2%**  
reduction from  
2022–23



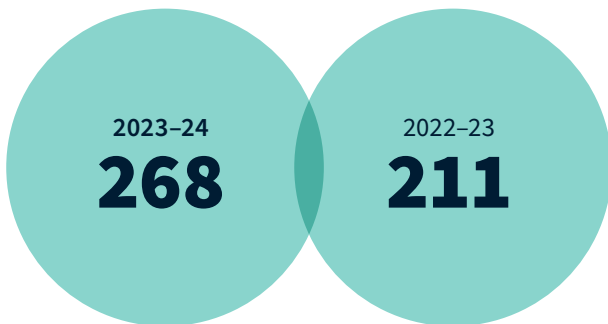
**1,157**  
phone



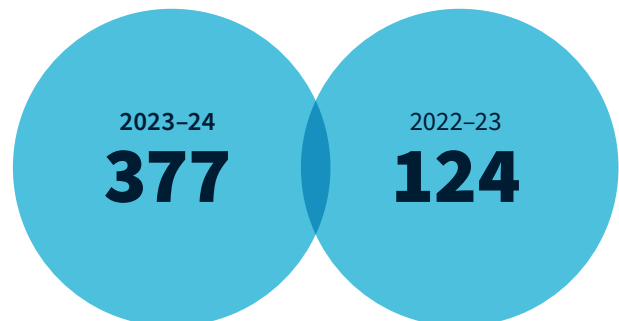
**460**  
written

## FOI complaints

We received **27% more**  
FOI complaints



We finalised **204% more**  
FOI complaints



**65%**

of FOI complaints were finalised within  
12 months against a **target of 80%**



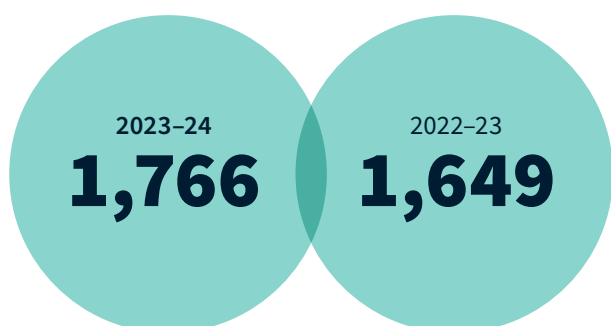
**10.4 months**<sup>1</sup>

was the **average time** taken  
to finalise an FOI complaint

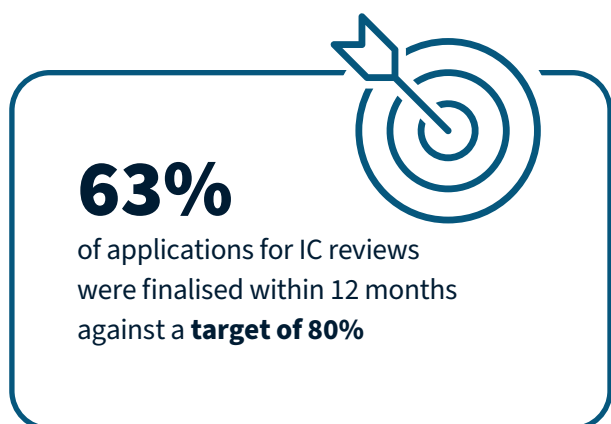
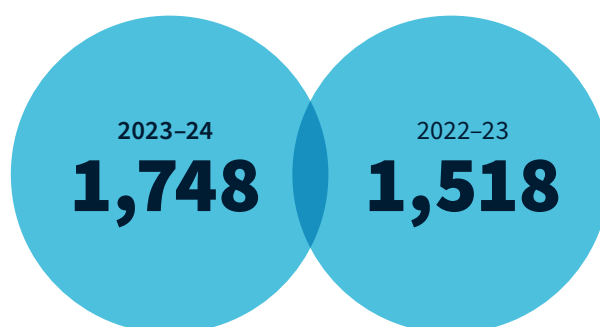
<sup>1</sup> The average time to finalise a FOI complaint increased in 2023–24 due to our focus on finalising complaints received and registered up to 31 December 2022. See page 32.

## Information Commissioner (IC) reviews

We received **7% more** applications for IC review of FOI decisions



We finalised **15% more** IC reviews



### Top 5 agencies involved in IC reviews received in 2023-24



Statistics in this report are current as of 16 August 2024. On occasion, data is recorded or re-categorised on activities undertaken for the previous reporting period after the conclusion of that reporting period. Where relevant, adjustments to figures from last year's annual report are noted in this year's report (see Appendix H).

<sup>2</sup> The average time taken to finalise an IC review increased in 2023-24 due to our focus on finalising legacy matters more than 12 months old. See pages 30-31.



## Our structure

The OAIC is headed by the Australian Information Commissioner, who is a statutory officer appointed by the Governor-General. This role was held during 2023–24 by Angelene Falk.

The Commissioner has a range of powers and responsibilities outlined in the AIC Act, and also exercises powers under the FOI Act, the Privacy Act and other privacy-related legislation. The Information Commissioner is the OAIC’s accountable authority, with responsibility for strategic oversight, corporate governance and the OAIC’s privacy, freedom of information and government information management functions.

In 2023, the Attorney-General announced that the OAIC would return to a three-commissioner model, with the appointment of a standalone Privacy Commissioner. Prior to this, the roles of Information Commissioner and Privacy Commissioner were combined.

The OAIC is supported by a Deputy Commissioner, Chief Operating Officer, and Assistant Commissioners.

### Australian Information Commissioner

Angelene Falk commenced as the Australian Information Commissioner and Privacy Commissioner in August 2018 and was reappointed for a second 3-year term in 2021.

Over the past decade, Commissioner Falk has worked extensively with Australian Government agencies, the private sector and international organisations to address regulatory challenges and opportunities presented by rapidly evolving technology and potential uses of data. Her experience extends across industries and subject matter, including data breach prevention and management, data sharing, credit reporting, digital health and access to information.

During her term, Commissioner Falk served as a member of the National Data Advisory Council and Digital Platform Regulators Forum. She was admitted

as a legal practitioner to the Supreme Court of New South Wales in 1998 and holds a Bachelor of Laws with Honours, a Bachelor of Arts, a Graduate Diploma in Intellectual Property Law and a Graduate Diploma in Legal Practice.

### Privacy Commissioner

Carly Kind commenced as Australia’s Privacy Commissioner in February 2024. Prior to taking up this role, she was the inaugural director of the UK-based Ada Lovelace Institute. As a human rights lawyer and leading authority on the intersection of technology policy and human rights, she has advised industry, government and non-profit organisations on digital rights, AI, privacy and data protection, and corporate accountability in the technology sphere.

She has worked with the European Commission, the Council of Europe, numerous United Nations bodies and a range of civil society organisations. She was formerly legal director of Privacy International, a non-governmental organisation dedicated to promoting data rights and governance.

Commissioner Kind has a Masters of Science, International Relations (Hons) from the London School of Economics, a Graduate Diploma in Legal Practice, and a Bachelor of Arts (International Relations) (Hons) and Bachelor of Laws from the University of Queensland.

Commissioner Falk held the position of Privacy Commissioner concurrently with the position of Australian Information Commissioner from August 2018 until February 2024.

## Freedom of Information Commissioner

Elizabeth Tydd took up the position of Freedom of Information Commissioner in February 2024. Prior to that, she served two 5-year terms as the Information Commissioner at the Information and Privacy Commission (IPC) of New South Wales.

She has occupied a number of statutory decision-making roles in NSW commissions and tribunals, including deputy president of the Workers Compensation Commission and deputy chairperson of the former Consumer, Trader and Tenancy Tribunal.

Commissioner Tydd holds a Bachelor of Laws and Master of Laws from the University of Technology Sydney, and a Graduate Diploma in Legal Practice. She also holds postgraduate certificates in executive management and governance, together with post graduate qualifications in leadership and policy from Harvard University. In August 2024, she took up the position of Australian Information Commissioner.

Ms Toni Pirani held the role of Acting FOI Commissioner from May 2023 to February 2024. She holds a Bachelor of Laws and has worked in the public service for over 35 years, including roles with royal commissions, the Attorney-General's Department and the Australian Financial Security Authority. She has since been appointed as the FOI Commissioner, taking up this role in August 2024.

## Our branches


Our 6 branches undertake work in relation to our privacy, digital identity, FOI and information management functions.

The **Dispute Resolution branch** is responsible for resolving privacy disputes. This includes:

- handling privacy and FOI enquiries
- handling privacy complaints, which includes:
  - resolving privacy complaints at the earliest opportunity by assisting parties to reach settlement through conciliation
  - investigating more complex complaints and providing outcomes
  - supporting the Information Commissioner to make determinations, which may include declarations about entities taking remedial action
- administering the Notifiable Data Breaches (NDB) scheme to ensure individuals are notified of data breaches so they can act to protect their personal information and that data breaches are contained and rectified
- conducting Commissioner-initiated preliminary inquiries and investigations into particular acts and practices, which may result in further regulatory action, that may include civil penalty proceedings, determinations and enforceable undertakings
- undertaking enforcement relating to the Consumer Data Right (CDR) system.

The **Major Investigations branch** was established for 2 years on 31 October 2022 to investigate serious breaches of the Privacy Act, due to the increased complexity, scale and impact of these matters, and to recommend suitable regulatory responses. It is responsible for:

- investigating significant privacy breaches
- recommending suitable regulatory action, which may include civil penalty proceedings, determinations and enforceable undertakings.



The **Digital ID Implementation team** was established as a short-term taskforce to prepare the OAIC for its new Digital ID function as privacy regulator of the Digital ID system, including preparing areas of the OAIC to carry out the specific Digital ID functions. Following the team's preparatory work, Digital ID will be integrated into 'business-as-usual' OAIC operations, with Digital ID functions distributed across the office.

The team is responsible for:

- providing strategic advice and developing guidance for individuals, government and businesses
- collaborating with other regulators of the Digital ID system
- developing and delivering training to upskill OAIC staff
- amending the OAIC's case management system to reflect the OAIC's expanded role
- developing a regulatory strategy relating to Digital ID
- updating our Regulatory Action Policy and Guide to Privacy Regulatory Action to reflect the new and enhanced powers
- communicating and promoting key privacy messages.

The **Regulation and Strategy branch** is responsible for:

- providing strategic advice and guidance to individuals, government and businesses, which includes examining legislation and other proposals that may have an impact on privacy, data sharing and open government
- managing the program of work under the OAIC's international strategy
- auditing privacy practices in industry and government agencies
- strategic policy advice and guidance in relation to the CDR system, monitoring and assessing compliance, and handling CDR enquiries and complaints.

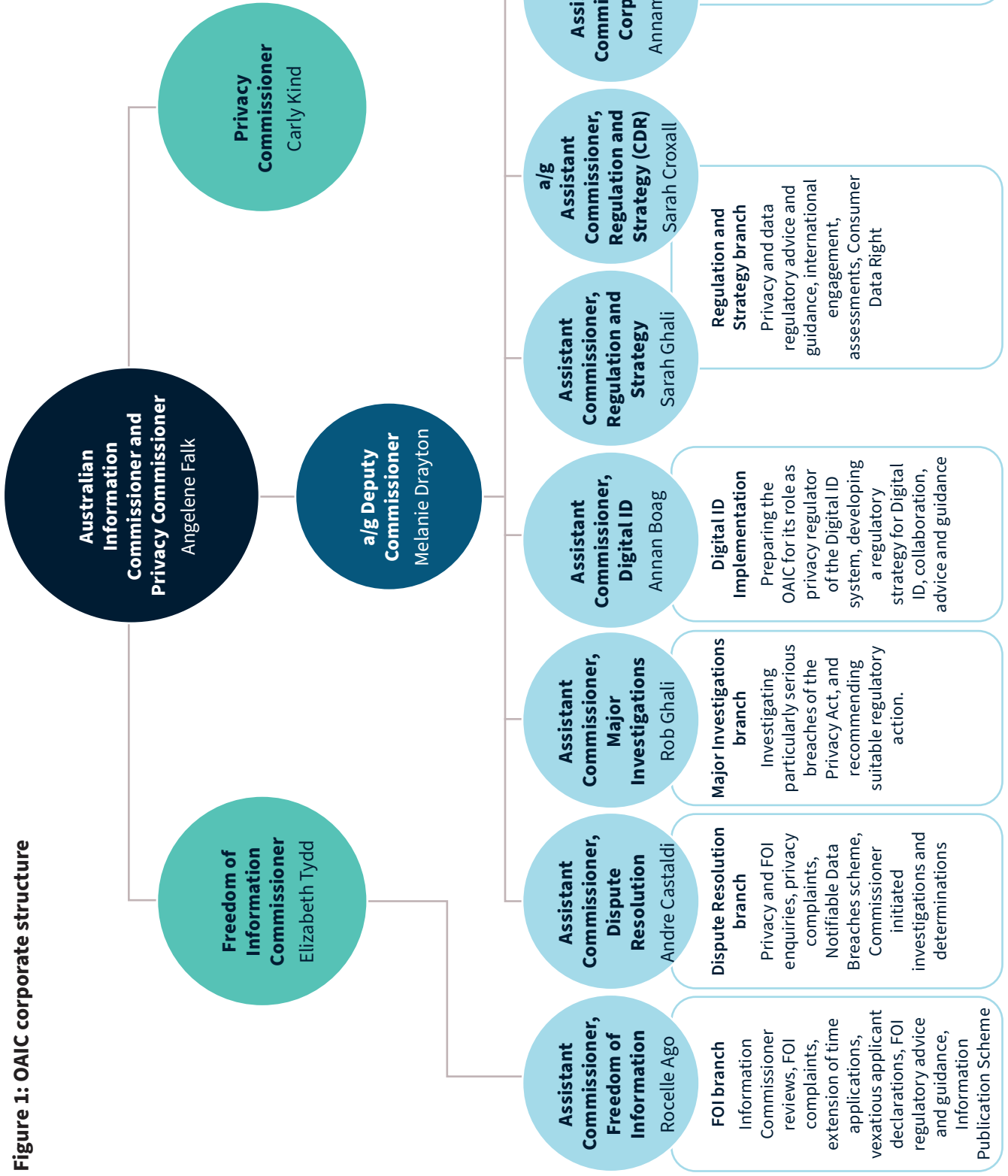
The **FOI branch** is responsible for undertaking the OAIC's FOI regulatory functions, including:

- undertaking Information Commissioner reviews
- monitoring, investigating and reporting on compliance through FOI complaints and Commissioner-initiated FOI investigations
- deciding on applications for vexatious applicant declarations and extensions of time
- collecting information and statistics from agencies and ministers about FOI matters
- undertaking the 5-yearly review of the Information Publication Scheme
- providing advice and guidance on FOI and information access, including the Information Publication Scheme.

The **Corporate branch** provides enabling services across the OAIC. This includes:

- providing the OAIC's legal services, strategic communications, people and culture, governance, finance, business analytics and reporting, facilities and information management, and executive support functions
- coordinating the OAIC's identification, assessment and mitigation of strategic and operational risks
- managing the security posture of the office, including compliance with the Protective Security Policy Framework.

**Figure 1: OAIC corporate structure**







# Part 2

## Performance

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# Our annual performance statement

The OAIC worked effectively across 2023–24 to deliver on our purpose to promote and uphold privacy and information access rights.

## Introduction

I, Elizabeth Tydd, as the accountable authority of the Office of the Australian Information Commissioner (OAIC), present the 2023–24 annual performance statement of the OAIC, as required under s 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, this annual performance statement is based on properly maintained records, accurately reflects the performance of the OAIC and complies with subs 39(2) of the PGPA Act.

## Overall performance

During this reporting period, the OAIC delivered on our purpose to promote and uphold privacy and information access rights. We measure our success against the performance indicators outlined in our *Corporate plan 2023–24*, which features 16 performance measures grouped under 4 key activities. In 2023–24, we achieved 7 of our

16 performance measures and 8 were not achieved. A target was not assigned for the last measure, as a specific target was not considered appropriate for that measure. More information about performance against the measures is included in Table 1: Breakdown of performance measures by status.

## Highlights

- We handled 10,476 privacy enquiries, and finalised 97% of written privacy and information access enquiries from the public within 10 working days, exceeding our target of 90%.
- We finalised 3,104 privacy complaints, compared to 2,576 in 2023–24 (a 20% increase), resolving 78% within 12 months, and issued 12 determinations: 6 from investigating privacy complaints and 6 from Commissioner-initiated investigations. We also made significant progress in 2023–24 in reducing the number of aged complaints on hand.
- We commenced an investigation into HWL Ebsworth Lawyers, and continued to progress significant investigations into Optus and Latitude, in relation to their data breaches. We commenced civil penalty proceedings against Australian Clinical Labs and Medibank Private.

Figure 2: OAIC performance measures by status



- We finalised 994 notifications under the Notifiable Data Breaches (NDB) scheme, with 85% of notifications finalised within 60 days, exceeding our target of 80%.
- We increased the number of freedom of information (FOI) complaints finalised by 204%. Agencies accepted 96% of the recommendations made following FOI complaint investigations, and we continue to engage with agencies to improve compliance with their FOI obligations.
- We finalised 1,748 Information Commissioner (IC) review applications – a 15% increase in finalisations, notwithstanding the 7% increase in applications received, and issued 207 IC review decisions, compared to 68 in 2022–23.
- We conducted a five-yearly review of the Information Publication Scheme (IPS), in conjunction with Australian Government agencies. This was the OAIC's third IPS review, addressing agencies' compliance with IPS obligations, and management and publication of public sector information.
- We made 27 submissions to influence the design of legislation and other policy initiatives to address risks in the online environment and promote a best-practice approach to privacy and information access matters.
- We updated the Privacy Safeguard Guidelines to reflect amendments to the Consumer Data Right (CDR) Rules, and continued to engage closely with the Attorney-General's Department as it progresses the Government response to the Privacy Act review.
- We hosted roundtables with key stakeholders to ensure we remain responsive to the community's expectations in promoting and upholding privacy and information access rights, and advanced an active program of FOI engagement, monitoring and provision of regulatory guidance, including publications and statistical reporting, and engaging with agency heads. We also commenced a webinar series for FOI practitioners.
- We led the Australia-wide campaign for Privacy Awareness Week (PAW) 2024 and enlisted more than 1,000 government and private sector supporters for PAW – a consecutive record.
- We commenced as a member of the Executive Committee of the International Conference of Information Commissioners, which fosters the protection and the promotion of access to public information as a fundamental pillar of social, economic and democratic governance.
- We worked to identify areas of emerging regulatory intersection with privacy in the digital society and economy as co-chair of the Global Privacy Assembly's Digital Citizen and Consumer Working Group.

The work completed in 2023–24, both operational and strategic, will see us well-placed to meet the challenges ahead.

**Elizabeth Tydd**

Information Commissioner  
8 October 2024

## Results

Our performance is measured against the 16 performance measures in our *Corporate plan 2023–24*.

**Table 1: Breakdown of performance measures by status**

No.	Performance measure	Target	Methodology	Type	Result	Status
1. Influence and uphold privacy and information access rights frameworks						
Intended result 1.1: The OAIC's activities support the effective regulation of the Consumer Data Right (CDR)						
1.1	Effectiveness of the OAIC's contribution to the regulation of the Consumer Data Right as measured by stakeholder feedback.	2022–23 baseline result (67) exceeded	Annual stakeholder survey conducted by an independent professional provider	Effectiveness	71	Achieved
Intended result 1.2: The OAIC's regulatory outputs are timely						
1.2.1	Time taken to finalise privacy complaints	80% of privacy complaints are finalised within 12 months	OAIC information management system	Output	78%	Not achieved
1.2.2	Time taken to finalise privacy and Freedom of Information (FOI) Commissioner-initiated investigations (CIIs)	80% of CIIs are finalised within 12 months	OAIC information management system	Output	67%	Not achieved
1.2.3	Time taken to finalise notifiable data breaches (NDBs)	80% of NDBs are finalised within 60 days	OAIC information management system	Output	85%	Achieved
1.2.4	Time taken to finalise My Health Record notifications	80% of My Health Record notifications are finalised within 60 days	OAIC information management system	Output	97%	Achieved
1.2.5	Time taken to finalise Information Commissioner reviews of FOI decisions made by agencies and Ministers	80% of reviews are finalised within 12 months	OAIC information management system	Output	63%	Not achieved
1.2.6	Time taken to finalise FOI complaints	80% of FOI complaints are finalised within 12 months	OAIC information management system	Output	65%	Not achieved
1.2.7	Time taken to finalise written privacy and information access enquiries from the public.	90% of written enquiries are finalised within 10 working days	OAIC information management system	Output	97%	Achieved

No.	Performance measure	Target	Methodology	Type	Result	Status
2. Advance online privacy protections for Australians						
Intended result 2: The OAIC's activities support innovation and capacity for Australian businesses to benefit from using data, while minimising privacy risks for the community						
2.1	Effectiveness of the OAIC's contribution to the advancement of online privacy protections and policy advice as measured by stakeholder feedback	2022–23 baseline result (61) exceeded	Annual stakeholder survey conducted by an independent professional provider	Effectiveness	60	Not achieved
3. Encourage and support proactive release of government information						
Intended result 3: The OAIC's activities support Australian Government agencies to provide access to information on request promptly and at the lowest reasonable cost, and to proactively publish information of interest to the community						
3.1	Percentage of OAIC recommendations made after FOI complaint investigations had been accepted by agencies	90%	OAIC information management system	Effectiveness	96%	Achieved
3.2	Effectiveness of OAIC's advice and guidance on FOI obligations and the Information Publication Scheme (IPS) in supporting government agencies to provide public access to government-held information, as measured by stakeholder feedback.	2022–23 baseline result (60) exceeded	Annual stakeholder survey conducted by an independent professional provider	Effectiveness	56	Not achieved
4. Take a contemporary approach to regulation						
Intended result 4: The OAIC's approach to its regulatory role is consistent with better practice principles						
4.1	Stakeholder assessment of the extent to which the OAIC's regulatory activities demonstrate a commitment to continuous improvement and building trust	2022–23 baseline result (60) exceeded	Annual stakeholder survey conducted by an independent professional provider	Effectiveness	63	Achieved
4.2	Stakeholder assessment of the extent to which the OAIC's regulatory activities demonstrate collaboration and engagement	2022–23 baseline result (58) exceeded	Annual stakeholder survey conducted by an independent professional provider	Effectiveness	58	Not achieved

No.	Performance measure	Target	Methodology	Type	Result	Status
4.3	Stakeholder assessment of the extent to which the OAIC's regulatory activities are risk based and data driven	2022–23 baseline result (51) exceeded	Annual stakeholder survey conducted by an independent professional provider	Effectiveness	56	Achieved
4.4	Number of stakeholder engagement activities	Targets not appropriate due to fluctuations in nature and complexity of policy environment in any given year	Data snapshot demonstrating key formal engagements supplemented by case studies to demonstrate breadth, variety and effectiveness of engagement activities and modes of delivery	Effectiveness	Performance against this measure is described in Part 2 of this report (under 4.4)	Not applicable
4.5	Average call duration of telephone enquiries to the OAIC public enquiry line	Lower than baseline result (5:04)	OAIC information management system	Efficiency	6:33	Not achieved

Note: Statistics in this report are current as of 16 August 2024. On occasion, data is recorded or recategorised on activities undertaken for the previous reporting period after the conclusion of that reporting period. Where relevant, adjustments are noted in the report. See Appendix H for adjustments for last year's annual report.

## Key activity 1

### Influence and uphold privacy and information access rights frameworks

The OAIC is responsible for a wide range of regulatory functions and powers under the *Freedom of Information Act 1982* (FOI Act) and the *Privacy Act 1988* (Privacy Act). We also regulate the privacy aspects of the Consumer Data Right.

#### Intended result 1.1 – The OAIC’s activities support the effective regulation of the Consumer Data Right



##### Measure

1.1 Effectiveness of the OAIC’s contribution to the regulation of the Consumer Data Right (CDR) as measured by stakeholder feedback



##### Target

2022–23 baseline result exceeded  
Achieved

The OAIC regulates the privacy aspects of the CDR and enforces the privacy safeguards (and related CDR Rules) in the *Competition and Consumer Act 2010*. We undertake strategic enforcement activities, investigate individual and small business consumer complaints about CDR data handling, and conduct assessments and audits.

The OAIC co-regulates the CDR with the Australian Competition and Consumer Commission (ACCC). The OAIC also works with the Department of the Treasury (Treasury) and the Data Standards Body (DSB) to support a privacy-by-design approach to the CDR to ensure consumers are protected with effective privacy and security mechanisms.

Collaboration with the ACCC and other CDR agencies is key to the OAIC’s effective regulation of the CDR. To gain feedback on our performance, an independent annual stakeholder survey was conducted. Based on the average performance rating of survey questions, an index score of 71 out of 100 was achieved for this measure in 2023–24. This is an improvement on our baseline score of 67 in 2022–23.<sup>1</sup> The highest scoring questions relate to how the OAIC collaborates with other CDR agencies.

The OAIC will assess the survey results and consider initiatives to address the feedback provided. For more information about the survey results and methodology, see Appendix F.

##### Regulatory activities

In 2023–24, 238 contacts were received via the CDR website. 111 contacts were referred to the ACCC and 127 to the OAIC. Many of these contacts were found to relate to general privacy issues, not the CDR.

In total, the OAIC handled 35 enquiries and 14 complaints about the CDR during the year.<sup>2</sup>

The OAIC provides advice to the Minister and CDR agencies on designating potential new sectors, the privacy implications of making rules, and issues that arise regarding the CDR’s operation.

<sup>1</sup> The limited sample size means these results are indicative only.

<sup>2</sup> The OAIC also received contacts via email and phone

During 2023–24, we continued to provide advice to the Minister and CDR agencies on the privacy and confidentiality impacts of:

- expanding the CDR to the non-bank lending sector
- legislation to establish new functionality in the CDR to allow consumer-directed action and payment initiation
- new and amended data standards
- amendments to the Competition and Consumer (Consumer Data Right) Rules 2020 (CDR Rules).

In November 2023, the OAIC updated the Privacy Safeguard Guidelines to reflect amendments to the CDR Rules. The updates centred on:

- changes to CDR representative arrangements and CDR outsourcing arrangements
- new content on business consumer disclosure consents
- changes to permitted consent duration for certain business consumer consents.

Through clear information, privacy tips and examples, our guidance work aims to develop participant and consumer understanding and influence compliance with the privacy safeguards and other relevant CDR obligations. We continue to review our information and resources to ensure that they provide clear guidance for participants and other relevant entities.

The OAIC completed 2 CDR Assessments in 2023–24 that examined consent and authorisation processes, and policies about managing CDR data. The assessment reports are available on the OAIC website to assist all CDR participants to better understand and fulfil their obligations. The assessment findings have also informed updates to our CDR guidance.

<sup>3</sup> Privacy safeguard 1 is outlined in s 56ED of the Competition and Consumer Act, and is supplemented by requirements of rule 7.2 of the Competition and Consumer (Consumer Data Right) Rules 2020.

## Assessments, submissions and guidance updates

### Assessments

The OAIC completed the following CDR assessments in 2023–24:

- CDR Assessment 4: [Consent and authorisation processes](#)  
This assessment examined 6 CDR participants' consent and authorisation processes.
- CDR Assessment 5: [CDR policies' compliance with Privacy Safeguard 1](#)<sup>3</sup>  
This assessment examined 19 accredited persons' CDR policies – policies that specifically address how they manage CDR data.

### Submissions

In 2023–24, we prepared submissions on the following consultations led by Treasury and DSB.

- [Screen scraping – policy and regulatory implications](#) (submitted October 2023)
- Consent review – CDR rules and data standards design paper (submitted October 2023)
- Operational enhancements – CDR rules design paper (submitted October 2023)
- [CDR rules – expansion to the non-bank lending sector](#) (submitted October 2023)

### Guidance updates

In 2023–24, we published the following guidance to reflect changes to the CDR rules:

- Updated Privacy Safeguard Guidelines (published November 2023)
- Guidance for CDR representative principals on ensuring compliance of their CDR representatives (joint OAIC and ACCC guidance published December 2023)
- Guidance for entities handling CDR data on preparing for and responding to cyber incidents involving CDR data (published December 2023)
- Updated *Guide to developing a CDR policy* (published June 2024)
- Guidance on trusted advisers, CDR insights, sponsored accreditation and outsourcing arrangements (January, April and May 2024).

## Intended result 1.2 – The OAIC’s regulatory outputs are timely



### Measure

#### 1.2.1 Time taken to finalise privacy complaints



### Target

80% of privacy complaints are finalised within 12 months  
Not achieved

Under s 36 of the Privacy Act, an individual may complain to the Commissioner about an act or practice that may be an interference with their privacy. An interference with privacy may relate to the Australian Privacy Principles (APPs) or to the credit reporting provisions of the Privacy Act. In 2023–24, the OAIC:

- received 3,215 privacy complaints, a decrease of 5% from the previous period
- finalised 3,104 privacy complaints, an increase of 20% from the previous period
- finalised 78% of privacy complaints within 12 months of receipt (a decrease from 84% in the previous period), with the average time taken to close a privacy complaint being 7.4 months
- issued 12 determinations following an investigation of a privacy complaint or as a result of a Commissioner-initiated investigation.

The number and nature of the complaints we received appears to be attributable, at least in part, to a heightened awareness of privacy issues following a number of significant and highly publicised data breaches. The decrease of 5% this year followed a large increase of 34% the year prior.

We made significant progress in 2023–24 in reducing the number of aged complaints on hand. This was achieved through review and streamlining of our complaint-handling processes. A direct result of this focus was an increase in older matters being resolved, which impacted performance against our target of 80%. While the focus was on resolving old matters, staff also sought to resolve new complaints at the earliest opportunity.

### Resolving privacy complaints

We seek to resolve complaints at the earliest opportunity. This means that, in many cases, we exercise the Commissioner’s discretion under s 41 of the Privacy Act to decline to investigate a complaint because, for example, the complaint does not involve an interference with the complainant’s privacy, the respondent has dealt with the complaint adequately, or an investigation is not warranted in the circumstances. During the reporting period, 72% of privacy complaints were finalised by exercising the Commissioner’s discretion under s 41 of the Privacy Act.

If a complaint cannot be resolved through early resolution, conciliation may occur. Conciliation is a valuable process under s 40 that offers parties to the complaint the opportunity to reach settlement. If a complaint is not resolved by early resolution or conciliation, and the Commissioner’s discretion under s 41 is not exercised, the complaint will be referred for investigation under s 40 of the Privacy Act.

Following an investigation, the Commissioner may make a determination under s 52 of the Privacy Act dismissing the complaint, or finding the complaint is substantiated and making declarations to address any interference with the complainant’s privacy.

During the reporting period, the Commissioner made 6 determinations following the investigation of a privacy complaint. In some cases, those declarations included the provision of compensation to the complainant.

### External dispute resolution schemes

When a privacy complaint we receive can be more appropriately dealt with by an external dispute resolution (EDR) scheme operated by an relevant ombudsman or other authority, we can transfer it. We work in partnership with recognised EDR schemes with a view to achieving consistent and efficient regulatory outcomes for the consumers, and we commence regulatory action on repeated, serious or systemic privacy matters raised by EDR schemes in their quarterly or ad hoc reports to the OAIC.

We also deliver regular privacy training, guidance and advice to EDR schemes and, in June, held a Commissioner roundtable to discuss privacy and CDR trends and concerns. In 2023–24, 79 complaints were transferred to EDR schemes.



## Privacy complaints by issue

Most of the privacy complaints we received were about the handling of personal information under the Australian Privacy Principles (APPs). The APPs deal with the management, collection, use or disclosure, quality, security, access and correction of personal information held by an Australian Government agency or an organisation covered by the Privacy Act.

Similar to the previous year, the most common issues raised were:

- APP 11 – security of personal information (34%)
- APP 6 – use or disclosure of personal information (27%)
- APP 12 – access to personal information (17%).

## Privacy complaints by sector

In 2023–24, the privacy complaints we received primarily concerned the finance, health services and government sectors. There was a significant increase in the number of complaints we received in relation to government and social media sectors compared to the previous reporting period.

**Table 1.2.1: Number of privacy complaints by sector**

Issue	No of complaints received	%	% change from 2022–23
Finance (incl. superannuation)	460	14	-30
Australian Government	351	11	25
Health service providers	346	11	5
Retail	183	6	-16
Telecommunications	176	5	-38
Online services	173	5	13
Social Media	158	5	147
Real estate agents	116	4	8
Insurance	110	3	-44
Travel and hospitality industry	94	3	24



## Privacy complaint case studies

### Early resolution

A complainant received support services from the respondent. Upon attending his local chemist after ceasing to be a client of the respondent, he noticed that the respondent had opened an account in his name and that the email address listed on that account was the personal email address of his former support worker.

The complainant was aggrieved by the use of his personal information to open the account without his knowledge, the support worker's conduct in providing her personal email address as the account contact, and the respondent's failure to respond to his complaint about the issue.

In response to the Oaic's inquiries, the respondent provided an explanation and apology to the complainant, revised its processes and provided further education and training to its staff.



### Determination

The Oaic received a complaint about a small specialist medical practice. The complainant alleged that the practice had refused to give her access to medical records containing her personal information following her requests under APP 12 and had subsequently sought to charge her \$440 to access that information.

The practice claimed that the complainant's access requests were frivolous or vexatious, and stated that the complainant had already accessed or was otherwise able to access some of the information from other sources.

The Commissioner rejected those arguments and found that the practice breached APP 12.1 by refusing to give the complainant access to the relevant information and breached APP 12.8 by imposing an excessive charge on the complainant to access that information.



## Conciliation

The complainant, a victim of domestic violence, alleged that her former partner attended her address, after being able to view the complainant's personal information (current address and phone number) on a company's customer loyalty screen.

Through conciliation the parties were able to reach a mutual agreement that the safety issues caused through the breach were unacceptable. It was agreed that a security assessment would be undertaken of the complainant's home with security screens and cameras installed, along with a fund of \$5,000 made available for moving expenses, if these measures failed.

At an institutional level, the respondent agreed to revise their privacy policy; retrain company staff – over 1500 employees – in privacy matters regularly; and amend the respondent's loyalty scheme to limit access to personal information.



### Measure

1.2.2 Time taken to finalise privacy and FOI Commissioner-initiated investigations (CIIs)



### Target

80% of Commissioner-initiated investigations are finalised within 12 months  
Not achieved

Subsection 40(2) of the Privacy Act empowers the Commissioner to investigate, on her own initiative, an act or practice that may be an interference with the privacy of an individual. That power can be exercised in the absence of an individual privacy complaint, and is used to investigate issues that could pose a significant risk, or are otherwise in the public interest.

During 2023–24, the OAIC commenced 7 privacy CIIs and finalised 6 privacy CIIs. Of those investigations, 67% were finalised within 12 months, with an average of 11.5 months.

In this reporting period, the OAIC continued its major investigations into Optus and the Latitude group of companies. These investigations follow significant

data breaches affecting millions of Australians. The OAIC also commenced an investigation into the personal information handling practices of HWL Ebsworth Lawyers (HWLE), arising from a data breach notified to the OAIC on 8 May 2023. The OAIC's investigation is into HWLE's acts or practices in relation to the security and protection of the personal information it held, and the notification of the data breach to affected individuals.

Seeking to balance the complexity and scale of these investigations against the need for efficient management of resources, in this reporting period the Major Investigations branch sought to streamline its processes and develop internal capability, including through providing training for those undertaking regulatory activities, and the adoption of additional project management tools to monitor and report on progress and timelines.

When an investigation is finalised, it may be closed, or referred to the Determinations team for consideration, and a determination, litigation or enforceable undertaking may follow. In the reporting period, 6 determinations were made following the completion of a CII. Ten privacy CIIs remained on foot at the conclusion of the reporting period.

The Commissioner may also commence an investigation on her own initiative under subs 69(2) of the FOI Act. The OAIC did not conduct any FOI CIIs during the reporting period.

## Commissioner-initiated investigations

The OAIC commenced 7 privacy CIIs and finalised 6 privacy CIIs, with 67% being finalised within 12 months.

**Table 1.2.2: Privacy Commissioner-initiated investigations commenced and finalised**

	2020–21	2021–22	2022–23	2023–24
Number of CIIs commenced	4	7	28	7
Number of CIIs finalised	10	4	28	6



## CII case studies

### **Australian Clinical Labs Limited – failure to take reasonable steps to secure Australians’ personal information**

On 3 November 2023, the Australian Information Commissioner commenced civil penalty proceedings in the Federal Court against Australian Clinical Labs Limited (ACL) resulting from an investigation of its privacy practices. The investigation was commenced in December 2022, as a result of a February 2022 data breach of ACL’s Medlab Pathology business that resulted in the unauthorised access and exfiltration of personal information.

The Commissioner alleges that from May 2021 to September 2022, ACL seriously interfered with the privacy of individuals whose personal information it held, by failing to take reasonable steps to protect their personal information from unauthorised access or disclosure, in contravention of APP 11.1(b).

The Commissioner also alleges that following the data breach, ACL failed to carry out a reasonable assessment of whether it amounted to an eligible data breach and then failed to notify the Commissioner as soon as practicable. These are steps it was required to take under ss 26WH(2) and 26WK(2) in Part IIIC of the Privacy Act.

The proceedings are ongoing. Each contravention attracted a maximum penalty of \$2,220,000 (as per the penalty rate applicable in 2021–22).



### **Medibank Private Limited – failure to take reasonable steps to secure Australians’ personal information**

On 5 June 2024, the Australian Information Commissioner filed civil penalty proceedings in the Federal Court against Medibank Private Limited (Medibank) in relation to its October 2022 data breach. The proceedings follow a detailed investigation initiated by the Commissioner on 1 December 2022 after Medibank was the subject of a cyber attack.

The Commissioner alleges that from 12 March 2021 to 13 October 2022, having regard to its size, resources,

the nature and volume of the personal information it held, and the risk of harm for an individual in the case of a breach, Medibank failed to take reasonable steps to protect its users’ personal information from misuse, unauthorised disclosure and/or disclosure, in breach of APP 11.1.

The Commissioner further alleges that Medibank’s interferences with the privacy of an individual were serious and/or repeated, in contravention of ss 13G(a) and (b) of the Privacy Act.

The Commissioner alleges that the threat actor exfiltrated approximately 520 gigabytes of data from Medibank’s systems, including names, dates of birth, addresses, phone numbers, email addresses, Medicare numbers, passport numbers, health-related information and claims data (such as patient names, provider names, primary/secondary diagnosis and procedure codes, treatment dates). That information was personal information and sensitive information, as defined in s 6 of the Privacy Act.

The proceedings are ongoing. Each contravention attracts a maximum penalty of \$2,220,000 (as per the penalty rate applicable in 2021–22).



## Measure

1.2.3 Time taken to finalise notifiable data breaches (NDBs)



## Target

80% of NDBs are finalised within 60 days  
Achieved

A data breach involves the improper access, disclosure or loss of personal information. Entities covered by the Privacy Act are required to notify the OAIC where a data breach is likely to result in serious harm to an individual.

In 2023–24, the OAIC received 1,012 notifications under the NDB scheme, which is an increase of 13% from the previous reporting period. This significant increase in notifications can be attributed in part to

the complex landscape faced by entities. We finalised 994 notifications and were reviewing 133 outstanding notifications at the end of the reporting period. We finalised 85% of notifications within 60 days, exceeding our target of 80%.

We publish reports on the operation of the NDB scheme to highlight emerging issues and help entities and the public better understand privacy risks. The insights detailed in these reports aim to assist entities to improve their systems and processes to reduce the risk and potential impact of data breaches.



## Notifiable data breach case study

### Unauthorised access by a malicious actor

An entity became aware of a data breach involving unauthorised access to its systems by a malicious actor. The malicious actor deployed ransomware that resulted in the personal information of the entity's employees and clients being encrypted and exfiltrated.

The entity immediately commenced its forensic investigation of the incident in parallel with commencing its assessment of the incident under the NDB scheme. The entity provided frequent updates to the OAIC on the progress of its investigation and confirmed that it did not enter into negotiations with the ransomware attackers.

As the entity undertook an investigation of the data breach in parallel with its assessment, it was able to quickly identify there were reasonable grounds to believe an eligible data breach had occurred. This enabled the entity to promptly determine the kinds of personal information involved and to notify affected individuals within a week of becoming aware of the incident.

In its notification, the entity specified the particular kinds of personal information likely to be involved and outlined steps affected individuals may wish to take to protect themselves from further harm as a result of the incident.

## NBD scheme notifications

In 2023–24, notifications made to the OAIC under the NDB scheme primarily involved data breaches arising as a result of a malicious or criminal attack. This was followed by data breaches as a result of human error.

**Table 1.2.3a Source of data breaches**

	Notifications received	%
Malicious or criminal attack	678	67
Human error	298	29
System fault	36	4
<b>Total</b>	<b>1,012</b>	<b>100</b>

While the number of data breaches increased in the reporting period, the number of individuals affected by data breaches affecting more than 1 million people decreased to 5 from 14 in the previous reporting period.

**Table 1.2.3b Number of individuals affected by data breaches reported under the NDB scheme**

Number of individuals affected	2022–23	2023–24
1	206	263
2–10	181	171
11–100	169	209
101–1,000	172	189
1,001–5,000	79	82
5,001–10,000	26	31
10,001–25,000	21	12
25,001–50,000	10	17
50,001–100,000	3	10
100,001–250,000	5	8
250,001–500,000	2	4
500,001–1,000,000	2	3
1,000,001–10,000,000	10	4
10,000,001 or more	4	1
Unknown	7	8
<b>Total</b>	<b>897</b>	<b>1,012</b>



## Measure

### 1.2.4 Time taken to finalise My Health Record notifications



## Target

80% of My Health Record notifications are finalised within 60 days  
**Achieved**

The My Health Record scheme is established by and operates under the *My Health Records Act 2012*. A My Health Record is an electronic summary of a patient's health information, including their treatment, medications, diagnoses and allergies.

The OAIC is responsible for regulating the privacy aspects of the My Health Record scheme, which includes assessing and, where necessary, investigating alleged data breaches.

In 2023–24, the OAIC received 39 notifications concerning data breaches under the My Health Record scheme, compared to 10 notifications in the previous reporting period, an increase of 290%. The OAIC closed 38 notifications during the period. These were reviewed and finalised in an average time of 38 days, and 97% were finalised within 60 days, exceeding the target for this measure (80%).



## Measure

### 1.2.5 Time taken to finalise Information Commissioner reviews of FOI decisions made by agencies and Ministers



## Target

80% of reviews are finalised within 12 months  
**Not achieved**

The OAIC finalised 1,748 Information Commissioner (IC) reviews in 2023–24, a 15% increase compared to 2022–23, when we finalised 1,518. We finalised 63% of IC reviews (1,108) within 12 months, compared to 78% in 2022–23 (1,179). The average time taken to finalise an IC review increased from 9.8 months in 2022–23 to 15.5 months in 2023–24.

This reflects a focus on finalising legacy matters more than 12 months old, with 640 (37%) of IC reviews finalised pertaining to matters more than 12 months old. This includes finalisation of all matters lodged in 2018 and 2019.

In 2023–24, the OAIC received 1,766 IC reviews, a 7% increase compared to 1,649 IC reviews received in 2022–23. These changes were mainly due to an increase in the number of IC reviews of deemed access refusal decisions from 855 in 2022–23, to 1,051 in 2023–24. The number of IC reviews on hand increased from 2,008 in 2022–23 to 2,026 in 2023–24.

Under s 55K of the FOI Act, the Information Commissioner, after undertaking an IC review, must make a decision in writing to either affirm or vary the decision of the agency or minister or to set it aside and make a fresh decision.

Individuals occupying the role of Information Commissioner, FOI Commissioner and Assistant Commissioner issued 207 decisions under s 55K of the FOI Act compared to 68 in 2022–23. Of these, 62 affirmed the decision under review (compared to 11 in 2022–23), 125 set aside the decision (compared to 48 in 2022–23) and 20 varied the decision (compared to 9 in 2022–23). Of the 207 decisions, 56 were made following the respondent agency making a revised decision under s 55G of the FOI Act.<sup>4</sup> The decision-maker affirmed 9 such decisions, set aside 40 decisions and varied 7 decisions.

Of the 1,748 IC reviews finalised in 2023–24, 231 or 13% were closed under s 54N as invalid (out of jurisdiction, misdirected, out of time, copy of decision not provided, or not an IC-reviewable decision). This compares to 282 or 19% closed under s 54N as invalid in 2022–23.

In total, 649 IC reviews were closed under s 54R as withdrawn. Of these, 300 were finalised following a revised decision to provide access being made under s 55G. This compares to 879 IC reviews finalised under s 54R in 2022–23, with 516 finalised following a revised decision under s 55G in 2022–23. Of the 300 IC reviews

<sup>4</sup> Under s 55G of the FOI Act, at any time during an IC review, an agency or minister may revoke or vary an access refusal decision to favour the applicant. This can be done by giving access to a document, relieving the applicant from liability to pay a charge, or requiring a record of personal information to be amended or annotated in accordance with the application.

finalised under s 54R following a revised decision, 241 involved a review of a deemed access refusal decision.

During 2023–24, we implemented a range of strategies to progress our IC review workload. For example, we continued to identify priority cohorts to assist us to manage the high volume of matters, achieve outcomes more quickly and reduce backlogs. Priority cohorts include matters where the FOI applicant has not received a decision about access to documents including charges, searches, practical refusals and deemed refusals. The OAIC also established an FOI ‘surge team’ in the reporting period. The surge team comprised staff from across the OAIC to provide additional capacity across a range of FOI regulatory functions, including case management of a cohort of IC reviews.

Consistent with Part 10 of the guidelines issued under s 93A of the FOI Act, we also considered whether matters are more appropriately considered directly by the Administrative Appeals Tribunal (AAT) under s 54W(b) of the FOI Act.

We have also reviewed our processes and, where appropriate, exercise specific powers under the FOI Act to assist in obtaining information and evidence or to direct agencies to undertake specific actions to facilitate a more timely review process.



## IC review decision case studies

### Charges

*‘ALN’ and Department of Home Affairs (Freedom of information)* [2024] AICmr 136 (1 July 2024)

This decision discusses whether the Department’s decision to find the applicant liable to pay a charge of \$67.50, under s 29 of the FOI Act, was the correct and preferable decision in the circumstances.

It provides an example of a circumstance where the preferable decision would have been to decide that the applicant was not liable to pay a charge considering factors such as the public interest and the cost of calculating and collecting the charge.

### Section 38

*AFV and Services Australia (Freedom of information)* [2023] AICmr 125 (14 December 2023)

*AFV and Services Australia (No.2) (Freedom of information)* [2023] AICmr 126 (14 December 2023)

*AFV and Services Australia (No.3) (Freedom of information)* [2023] AICmr 127 (14 December 2023)

These decisions consider s 38 in the context of a series of requests by the applicant for access to documents related to their child support cases and provide guidance in relation to the application of ss 38(1) and 38(2).<sup>5</sup>

In relation to s 38(1), the Acting FOI Commissioner accepted Services Australia’s submission that third-party protected information could not be disclosed even when that information concerned the FOI applicant or could reasonably be assumed to be known to the FOI applicant. ‘The test is not whether information already is, or may be, known to an FOI applicant, but how the relevant legislation applies to it.’

With respect to s 38(2), the Acting FOI Commissioner concluded that some of the information said to be exempt under s 38 was, on its face, not information about anybody other than the FOI applicant. Further, there were inconsistencies in the deletion of the same or similar material in parts of the documents and in documents released in response to the related FOI requests. As a result, the Acting FOI Commissioner was satisfied that it was possible to separate the FOI applicant’s personal information from information about another person; the exception in s 38(2) applied and the information was not exempt under s 38.



<sup>5</sup> Section 38 does not apply to documents in so far as they contain personal information about the FOI applicant (s 38(2)). The exception applies only to personal information about the FOI applicant and not to ‘mixed personal information’.

## Section 47C and the public interest test

*Janet Rice and Department of Health and Aged Care (Freedom of information) [2024] AICmr 41 (27 February 2024)*

This decision discusses the application of s 47C and the public interest test to a request for documents purportedly created in a Minister's office by ministerial staff in relation to the Community Sport Infrastructure Grants program.

It provides an example of how the FOI Act applies to documents created by ministerial advisers in which there is considerable public interest.

In finding that disclosure would not be contrary to the public interest, the FOI Commissioner emphasised the public interest in transparency and accountability around decisions to allocate public funds. The FOI Commissioner was satisfied that disclosure would inform debate on a matter of public importance and promote effective oversight of public expenditure, and that these public interest factors outweighed the countervailing public interest in protecting the deliberative processes of Ministers' advisers.

The Department of Health and Aged Care sought AAT review of this decision, and that review has not yet been finalised.

our focus on finalising FOI complaints received and registered up to 31 December 2022. The backlog of FOI complaints over 12 months old was significantly reduced in 2023–24. We finalised more complaints in 2023–24 due to our renewed regulatory posture and focus on currency of agency practice.

The finalised FOI complaints included:

- 98 that were withdrawn
- 85 that were finalised under s 70 as not within the Information Commissioner's jurisdiction to investigate
- 84 that were finalised under s 73(b) as more appropriately considered under a merits review
- 24 that were finalised under s 86, of which 14 had recommendations made under s 88
- 21 that were transferred to the Commonwealth Ombudsman.

Agencies not meeting statutory timeframes (s 15(5)(b)) in processing an FOI request was the most common complaint about the handling of FOI matters by agencies, consistent with previous reporting periods. Other common complaints include:

- agencies' poor customer service (most commonly failing to reply to correspondence, including acknowledgement of a request (s 15(5)(a)))
- agencies' poor reasons for decision (including adequacy of searches (s 24A))
- agencies failing to assist applicants (concerns regarding the conduct of consultations undertaken)
- incorrect application of the law.

The top 5 most complained about agencies in 2023–24 were:

- Department of Home Affairs
- Department of Veterans' Affairs
- Services Australia
- National Disability Insurance Agency
- Australian Federal Police.

The OAIC received 132 complaints from the top 5 agencies complained about in 2023–24.



### Measure

1.2.6 Time taken to finalise FOI complaints



### Target

80% of FOI complaints are finalised within 12 months  
Not achieved

In 2023–24, the OAIC received 268 FOI complaints about actions taken by agencies when handling FOI requests, an increase of 27% compared to 2022–23.

We finalised 377 FOI complaints, compared to 124 in 2022–23, an increase of 204%. We finalised 65% of FOI complaints within 12 months, with the average time to finalise a FOI complaint being 10.4 months, due to

## Spotlight on FOI

### FOI complaint compared to IC review

The Information Commissioner has the power to investigate an action taken by an agency in the performance of functions, or the exercise of powers under the FOI Act, as detailed in s 69.

The FOI Guidelines outline the Information Commissioner's view that making an FOI complaint is not usually an appropriate mechanism where IC review is available – unless there is a special reason to undertake an investigation and the matter can be more appropriately and effectively dealt with in that manner.

This approach supports an individual's right to access information where the outcome they seek is more closely related to the outcome that can be provided through an IC review.

There were 84 FOI complaints that were declined during 2023–24 because the complainant has or had a right to have the action reviewed by the agency, a court or a tribunal, or by the Information Commissioner under Part VII of the FOI Act, and had not exercised that right when it would be or would have been reasonable to do so (s 73(b)).

### Extensions of time

The FOI Act sets out timeframes within which agencies and ministers must process FOI requests. When an agency or minister is unable to process an FOI request within the statutory processing period, they may apply for an extension of time (EOT) from the FOI applicant or the Information Commissioner.

If the applicant agrees to an EOT in writing, the agency or minister must notify the Information Commissioner of the agreement to extend the

statutory processing time as soon as practicable (s 15AA of the FOI Act).

An agency or minister can also apply to the Information Commissioner for an extension of the processing period.

- Where an agency demonstrates an extension of time is justified on the basis of the request being voluminous or complex in nature, an extension may be granted under s 15AB of the FOI Act.
- Where an agency demonstrates it has been unable to process the request within the statutory timeframe and an extension of time is justified, an extension may be granted under ss 15AC, 51DA or 54D of the FOI Act.

We received 986 applications for extensions of time during this financial year compared to 1,665 in 2022–23. The OAIC finalised 78% of applications within 10 calendar days in 2023–24.

### Vexatious applicant declarations

The Information Commissioner has the power to declare a person to be a vexatious applicant if they are satisfied that the grounds in s 89L of the FOI Act exist.

In 2023–24, the OAIC received 1 application from an agency under s 89K of the FOI Act seeking to have a person declared a vexatious applicant and finalised 2 applications. No declarations under s 89K of the FOI Act were made during the reporting period.

Declarations are generally available in the Australian Information Commissioner (AICmr) database on AustLII.





## Measure

1.2.7 Time taken to finalise written privacy and information access enquiries from the public



## Target

90% of written enquiries are finalised within 10 working days  
Achieved

The OAIC provides a free public information service for privacy and FOI issues. In 2023–24, we received 12,104 enquiries. The enquiries we received commonly involved questions about the OAIC’s jurisdiction across privacy and FOI functions, processes and the application of the Australian Privacy Principles (APPs).

Similar to last year, over a quarter (3,285) of the enquiries we received were made in writing. Of those written enquiries, 97% were finalised within 10 working days. This exceeded our target of 90%, and represents an increase of 26 percentage points on last year.

Streamlined processes, as well as a new approach to triaging enquiries has ensured that timely responses were provided within 10 working days.



## Key activity 2

### Advance online privacy protections for Australians

The OAIC will advance online privacy protections for Australians and minimise the risks of technologies that have a high privacy impact. In doing so we will support engagement in the Australian digital economy, influence the development of legislation, apply a contemporary approach to regulation and raise awareness of online privacy protections.

**Intended result 2** – The OAIC’s activities support innovation and capacity for Australian businesses to benefit from using data, while minimising privacy risks for the community



#### Measure

**2.1 Effectiveness of the OAIC’s contribution to the advancement of online privacy protections and policy advice as measured by stakeholder feedback**



#### Target

**2022–23 baseline result exceeded  
Not achieved**

The OAIC appreciates the increased role of the online environment for the economy, education and our social connections, and the privacy risks this entails.

Across 2023–24, the OAIC delivered guidance and advice to key Australian Government agencies and other stakeholders on privacy in the online environment. We sought to influence the design of legislation and other policy initiatives to address privacy risks in the online environment and promote a best-practice approach to privacy matters, including making 24 submissions that address these issues.

We provided advice on areas including the review of the Privacy Act and related legislation, digital health, credit reporting and the CDR. Internationally, we sought to identify areas of emerging regulatory intersection with

privacy in the digital society and economy through our work as co-chair of the Global Privacy Assembly’s Digital Citizen and Consumer Working Group.

We continued to promote proportionate, cohesive, well-designed and efficient digital platform regulation that best serves the public interest as a founding member of the Digital Platform Regulators Forum (DP-REG), together with the ACCC, Australian Communications and Media Authority (ACMA) and the Office of the eSafety Commissioner.

Data was collected through the OAIC’s independent annual stakeholder survey as a metric for this performance measure. Based on the average performance rating of relevant survey questions, an index score of 60 out of 100 was achieved, in line with the baseline score achieved in 2023 (61).

The highest average scores achieved by the OAIC in terms of this performance measure relate to the OAIC raising awareness of opportunities to enhance online privacy legislation; working collaboratively with international regulators to support globally-interoperable privacy regulation; and raising awareness of opportunities to enhance online privacy legislation. These were also the highest-performing measures in 2023.

Responses were lower in relation to the OAIC’s use of its full range of regulatory functions and powers to pursue breaches of privacy in the digital environment, but remained in line with 2023. The OAIC will assess the survey results and consider initiatives that can improve performance. In recent years the OAIC has increased its focus on targeted proactive regulation to deliver for the community, and the survey will inform efforts to strengthen that approach. For more information about the survey results and methodology, see Appendix F.

## Spotlight on privacy

### Privacy Act review

The Government response to the Attorney-General's Department's review of the Privacy Act was released in September 2023. It responds to the 116 proposals for reform in the *Privacy Act Review Report*, which were the culmination of 2 years of extensive consultation and review of the Act.

The OAIC has engaged with the privacy law reform process from its commencement in 2020. We have provided advice and submissions, with over 180 recommendations for reform, to support a regulatory system that protects privacy, holds regulated entities to account and builds public trust to support a strong economy.

In doing so, we have drawn on our regulatory experience and intelligence gathered through our regulatory work to inform our observations about how the proposed reforms would operate in practice. We also outlined the options that are likely to support us to achieve our regulatory objectives over the next decade, for the benefit of the Australian community.

The OAIC welcomed the Government response as a crucial step towards ensuring that Australia's privacy framework is strengthened for the future. The OAIC has continued to engage closely with the Attorney-General's Department as it progresses the Government response.

### Credit reporting

In response to the OAIC's 2021 Independent review of the Privacy (Credit Reporting) Code 2014 (CR Code), the OAIC requested the code developer, the Australian Retail Credit Association (Arca), prepare a variation application to amend the CR Code.

In December 2023, following a public consultation period, Arca submitted its application to vary the CR Code. The OAIC has since conducted its own public consultation and is currently considering Arca's application further to ensure it reflects stakeholder feedback.

The 2021 review also identified a number of issues that would be better addressed through

amendments to Part IIIA of the Privacy Act instead of through the CR Code. In June 2024, the OAIC restated these issues in its submission to the review of Australia's credit reporting framework, being conducted on behalf of the Attorney-General's Department's and Treasury. A report from the independent reviewer is due to be completed and provided to the ministers in October 2024.

The OAIC's submission made 17 recommendations in response to the issues paper, highlighting the opportunity to streamline the framework, the importance of aligning any amendments with the broader Privacy Act reforms, and ensuring appropriate privacy protections are in place to protect Australians' credit reporting information. The OAIC will continue to work with the independent reviewer as the review is progressed.

### Digital ID

The Digital ID Implementation team is undertaking work to ensure Australians' privacy is protected as the Digital ID system is expanded. The privacy safeguards are fundamental to the effective function of the Digital ID system and to ensuring individuals can have confidence in using the system. The OAIC is working to help stakeholders understand their privacy obligations and individuals to understand their privacy rights by publishing guidance and fact sheets.

The OAIC is setting a Digital ID regulatory strategy that supports its purpose to safeguard and promote Australians' privacy, and describes how it proposes to use its regulatory powers to build trust and confidence in Digital ID and make identity verification in Australia more secure and privacy-protective.

### International engagement

The rapidly evolving technology and digital landscape continues to present challenges for traditional regulatory frameworks. The OAIC has continued to engage internationally on these issues, including through membership of working groups and networks of the Global Privacy Assembly (GPA) such as the Digital Citizen and Consumer Working

Group (DCCWG), the International Enforcement Cooperation Working Group (IWEG) and the Global Privacy Enforcement Network (GPEN).

During the 2023–24 financial year, the OAIC sought to collaborate with international jurisdictions on cross-cutting activities in the regulation of digital platforms as co-chair of the DCCWG. The DCCWG's work considers areas of emerging regulatory intersection with privacy in the digital society and economy. The OAIC has co-ordinated and jointly led numerous projects as part of its contributions to the DCCWG, including the DCCWG's mapping table, which analyses instances of overlaps between privacy, consumer protection and competition internationally.

The OAIC also led a [global environmental scan](#) to identify areas of regulatory focus for Global Privacy Assembly members to link any intersections with privacy in their jurisdiction. The scan sought views on the risks, opportunities and potential impacts that these intersections may have on the digital

environment and sought to identify trends in regulation.

The OAIC has continued its membership and engagement with the IWEG, which has a focus on sharing experiences, tactics and approaches to tackling specific issues related to enforcement. The OAIC also participated in the 2024 GPEN Sweep, which examined the frequency of deceptive design patterns observed in interactions with more than 1,000 websites and mobile applications globally. The GPEN Sweep involved participants from 26 privacy enforcement authorities from around the world and was coordinated with the International Consumer Protection and Enforcement Network (ICPEN).<sup>1</sup>

<sup>1</sup> For more information about the 2024 GPEN Sweep and to read the report on Deceptive Design Patterns, please see: [GPEN Sweep finds majority of websites and mobile apps use deceptive design to influence privacy choices | OAIC](#)

## Key activity 3

### Encourage and support proactive release of government information

The OAIC will continue to promote a proactive approach to the publication of government-held information. We will focus on efficient access to information and facilitate innovation and engagement while ensuring privacy is protected.

**Intended result 3** – The OAIC’s activities support Australian Government agencies to provide quick access to information requested and at the lowest reasonable cost, and proactively publish information of interest to the community



#### Measure

3.1 Percentage of OAIC recommendations made following FOI complaint investigations accepted by agencies



#### Target

90%  
Achieved

Following the completion of an FOI complaint investigation, the Information Commissioner can make recommendations to an agency, under s 88 of the FOI Act, of steps the agency ought to take to improve their compliance with obligations under the FOI Act. The recommendations are addressed to an agency head or senior official within the agency.

In 2023–24, 50 initial responses were received from agencies to recommendations made by the Information Commissioner under s 88. Of these, 48 initial recommendations (96%) were accepted (meaning that the agencies have either agreed to implement or are committed to implementing the recommendations made). This figure includes recommendations made by the Information Commissioner in prior reporting periods.

The Information Commissioner continues to engage with agencies that choose not to accept the recommendations made under s 88, to seek their commitment to implementing appropriate arrangements to achieve compliance with their obligations under the FOI Act. Where agencies fail to adequately and appropriately implement the recommendations made, the Information Commissioner will seek to exercise her powers under ss 89 and 89A of the FOI Act.

In 2023–24, 47 recommendations under s 88 of the FOI Act were made with respect to 14 complaints. The Information Commissioner’s recommendations to agencies include:

- updating FOI guidance to ensure best practices with the FOI Guidelines and better promote the objects of the FOI Act
- providing training to staff on the updated FOI guidance
- assessing agencies’ FOI practices and reporting the results to the Information Commissioner.



## Measure

**3.2 Effectiveness of OAIC's advice and guidance on FOI obligations and the Information Publication Scheme (IPS) in supporting government agencies to provide public access to government-held information, as measured by stakeholder feedback**



## Target

**2022–23 baseline result exceeded  
Not achieved**

In 2023–24, the OAIC received 1,617 FOI enquiries. We also responded to 367 requests for guidance, some from the year prior. These include enquiries that require a more complex or specific response, as well as support for agencies completing FOI statistical returns, and guidance around interpreting the FOI Act.

The OAIC engages with FOI practitioners through its Information Contact Officer Network (ICON), which is a forum for Australian Government FOI practitioners. At the end of the reporting period, there were over 500 ICON members. The OAIC commenced a series of FOI workshops for ICON members for 2024, with a seminar on general FOI obligations on 30 April 2024. We issued 8 'ICON alerts' in 2023–24 to share FOI-related news with this network, up from 4 in 2022–2023.

A key focus in 2023–24 was the 5-yearly review of the Information Publication Scheme (IPS), conducted by the OAIC in conjunction with Australian Government agencies. A total of 196 agencies participated in the survey, out of 209 agencies that were invited to take part, representing a strong response rate of 94%, and above the 2018 response rate of 82%. We published a [national-level report](#) in June 2024 and its results should assist agencies to identify where improvements can be made. The review has also informed the OAIC's work program, including active engagement with senior leaders across the Australian Public Service to secure their commitment to this important and mandated responsibility.

Ahead of the IPS review, the OAIC revised our FOI Guidelines on the IPS ([Part 13](#)) following a public consultation process. The revised guidelines instruct agencies in operating their IPS and

publishing information proactively. Other parts of the FOI Guidelines revised in 2023–24 were [Part 5](#) on Exemptions, [Part 6](#) on conditional exemptions and [Part 9](#) on internal agency review of decisions. We also consulted on [revisions to Part 2](#) on the scope of application of the FOI Act. Revisions to FOI Guidelines reflect IC review decisions and case law and aim to support agencies and ministers to consistently apply FOI law.

We continue to implement strategies to facilitate quicker access to requested information in FOI applications, including in circumstances where these have progressed to IC review. For example, as discussed in performance measure 1.2.5, we identified priority cohorts to manage the high volume of IC-review matters and established an FOI 'surge team' to assist with these matters.

We also substantively revised [2 procedure directions](#) for IC reviews. The revised directions aim to direct agencies' processes towards prompt finalisation, improve their first-instance decision making, and generally promote efficient resolution of IC reviews.

## International Access to Information Day 2023

On 28 September 2023, we joined members of the United Nations and Australian states and territories to mark International Access to Information Day (IAID) 2023.

The UNESCO theme for IAID 2023 – the importance of the online space for access to information – was a reminder to all Australian government agencies and ministers to consider how they uphold citizens' right to access information in the online space.

To recognise the special day, we shared [3 video interviews](#) with Australian Information Commissioner and Privacy Commissioner Angelene Falk, Acting FOI Commissioner Toni Pirani, and Australian Public Service Commissioner Gordon de Brouwer, where they discussed transparency and freedom of information.

We also published a range of [resources](#), including visual assets and an IAID toolkit containing information that FOI practitioners could adapt for their agencies.

During 2023–24, the OAIC undertook an in-person consultation with agencies on the revised directions. We also published advance versions of the directions, accompanied by new resources, in May 2023, to prepare parties to IC reviews for commencement of the directions on 1 July 2024.

The OAIC's overall performance in this area is measured through an external stakeholder survey. The overall index score for 2023–24 is 56 out of 100, a 4-point decrease from the baseline score achieved in the previous financial year (60). The highest average ratings achieved for both FOI and IPS relate to advice and guidance being easy to find, easy to understand, and useful. The lowest rated sub-measure for IPS related to how well the advice and guidance answered

questions. In terms of FOI, the lowest rated sub-measure related to consistency – a decrease from 2023 performance.

Satisfied or very satisfied stakeholders mention that guidelines are useful, comprehensive and easy to understand and access, and provided guidance on questions stakeholders had. Stakeholders who rated OAIC negatively say it is because they found guides to be inconsistent with legislation and found processing FOI reviews and responsiveness to be slow. The OAIC is working to strengthen our understanding of FOI practitioners' needs around FOI and IPS guidance, in order to improve and target our resources, including by way of a survey of FOI practitioners addressing this topic in July–August 2024.



## FOI processing statistics received from Australian Government agencies and ministers

Australian Government agencies and ministers must report FOI processing statistics to the OAIC every 3 months, as well as providing information about FOI and IPS staffing and expenditure at the end of each financial year.

These reports show that Australian Government agencies and ministers received a similar number of FOI requests in 2023–24 as in the previous 2 reporting years (34,706). The proportion of requests seeking access to personal information was 72%, which is less than in 2022–23 and 2021–22, when it was 74%.

In 2023–24, the 20 agencies that received the most FOI requests accounted for 84% of all requests made to the Australian Government (in 2022–23, the top 20 agencies accounted for 87% of all requests).

The percentage of requests granted in full decreased in 2023–24 (21%), from 25% in 2022–23. The percentage of FOI requests granted in part increased to 55% of all requests decided in 2023–24, up from 52% in 2022–23.<sup>1</sup>

The personal privacy conditional exemption in s 47F of the FOI Act remains the most claimed exemption (39% of all exemptions claimed – the same as in 2022–23 and 21–22). The other exemptions applied in 2023–24 remained broadly consistent with previous years.

Agencies and ministers issued 2,450 notices advising of an intention to refuse a request for a practical refusal reason in 2023–24. This is 15% less than in 2022–23. Of these requests, 38% were subsequently processed; that proportion was 54% in 2022–23.

There was a 25% decrease in the total charges notified in 2023–24 (\$186,107) compared with

2022–23. As a result, agencies collected 15% less in charges (\$73,067) than in 2022–23 (\$86,080).

The percentage of FOI requests decided within the applicable statutory time was the same in 2023–24 as in 2022–23 (74%).

The total number of new entries added to agency disclosure logs in 2023–24 (2,481) remains largely the same as in 2022–23 (2,493). There was a decrease in the proportion of new documents available directly from agency websites in 2023–24 (75%) compared with 2022–23 (80%).

There was a 7% decrease in internal review applications (808) in 2023–24. The number of internal review decisions (748) was 10% less than in 2022–23 (when 834 decisions were made). In 2023–24, 55% of internal reviews affirmed the original decision (58% were affirmed in 2022–23).

The total reported costs attributable to FOI in 2023–24 were \$86.24 million, a 23% increase on 2022–23 (\$70.33 million). The most significant factor behind this increase is the time taken to process FOI requests. In 2023–24, the average staff days for each FOI request received was 4.2 days; in 2022–23 this was 3.5 days.

For more information on agency FOI statistics received from Australian Government agencies and ministers see Appendix E.

<sup>1</sup> In December 2022, the OAIC issued guidance advising agencies to record the outcome of an FOI request as 'granted in part' if irrelevant matter was deleted under s 22(1)(b)(ii) of the FOI Act (and not as granted in full). As a result, the OAIC expected fewer FOI decisions to be recorded as granted in full and more recorded as granted in part following this advice being issued.



# Key activity 4

## Take a contemporary approach to regulation

The OAIC will take a contemporary approach to our regulatory role in promoting and upholding Australia’s privacy and FOI laws. This means engaging with and responding to the community’s expectations of Australia’s regulatory bodies.

### Intended result 4 – The OAIC’s approach to its regulatory role is consistent with better practice principles



#### Measure

4.1 Stakeholder assessment of the extent to which the OAIC’s regulatory activities demonstrate a commitment to continuous improvement and building trust



#### Target

2022–23 baseline result exceeded  
Achieved

The OAIC has a broad range of regulatory functions, and is adopting a stronger regulatory posture, taking a contemporary and more assertive approach, aligned with the principles of regulator best practice. Our focus on continuous improvement and building trust underpins this approach, ensuring that we not only meet but exceed stakeholder expectations.

A key aspect of our strengthened regulatory stance is maintaining a whole-of-system perspective. We are intensifying our efforts to enhance performance, capability and culture with the goal of reinforcing trust and confidence in Australia’s regulatory settings. We consider the trust of the Australian community to be essential to effective engagement with our regulatory activities. That means understanding the industries we

regulate, and being clear and upfront about how we make decisions.

Our work includes investigating issues, reviewing decisions, and handling complaints. In addition, we provide extensive guidance and advice while conducting assessments to drive best-practice compliance across the sectors we regulate. To support this work, we’re focused on building and maintaining a talented, engaged team that’s ready to meet the expectations of both the government and the public.

To measure our progress, data was collected through the OAIC’s independent annual stakeholder survey. Based on the average performance rating of relevant survey questions, an index score of 63 out of 100 was achieved for this measure, which is an improvement over last year’s baseline.

The survey revealed that stakeholders rate the OAIC positively for making consistent and unbiased decisions, and for staying committed to improvement. However, there was less satisfaction with how transparent our decision-making is and how easy it is to engage with us.

The OAIC is committed to addressing these areas of improvement. We will carefully assess the survey results and implement targeted stakeholder initiatives to enhance performance across all measures, with a particular focus on improving transparency and engagement. This reflects our ongoing dedication to refining our regulatory approach and building stronger, trust-based relationships with stakeholders.

As the regulatory landscape evolves and changes, we’ll also be developing and updating internal guidance to ensure we’re consistent in how we work with external stakeholders. We’re aware of the compliance and cost challenges that businesses face in regulatory

processes, and we'll aim to minimise those burdens where possible. For more information about the survey results and methodology, see Appendix F.



## Measure

**4.2 Stakeholder assessment of the extent to which the OAIC's regulatory activities demonstrate collaboration and engagement**



## Target

**2022–23 baseline result exceeded  
Not achieved – baseline matched**

Collaboration and engagement are critical to what we do, and can be seen in both our international and domestic activities.

In cooperating and collaborating with other data protection and information access authorities around the world we share useful insights, including on trends and new developments, to help ensure domestic frameworks are fit-for-purpose and aligned with best practice.

In the freedom of information space, we engage internationally on information access issues of global significance as a member of the International Conference of Information Commissioners, and domestically through the Association of Information Access Commissioners, as well as engaging with FOI practitioners utilising our ICON network, leadership group, and roundtables.

The OAIC also co-chairs the Global Privacy Assembly's Digital Citizen and Consumer Working Group, is on the Cyber Security Regulator Network of domestic regulators, and performs the chair and secretariat functions for the Digital Platform Regulators Forum (DP-REG).

We work closely with a range of Australian Government agencies and other organisations, and engage with integrity agencies such as the Inspector-General of Intelligence and Security, and the Commonwealth Ombudsman.

We also engage closely with the National Data Commissioner on government information sharing through the Information Commissioner's membership of the National Data Commissioner Advisory Council

and the Deputy Commissioner's membership of the Deputy Secretaries Data Group.

The OAIC is also an active contributor to the next National Action Plan through its membership of the Open Government Partnership and associated working groups. These engagements bring together our expertise across access to information and privacy regulation.

To help ensure the effective oversight of the CDR, we are engaged in a range of collaborative forums with the ACCC and Data Standards Body.

We also engage with the regulated community and general public, including through public-facing campaigns such as Privacy Awareness Week and International Access to Information Day. During 2023–24 we also had significant engagement with regulated entities and government agencies following major data breaches.

We also engage with key Australian Government agencies to provide regulatory policy advice, improve privacy protections and access to information for individuals, and develop guidance material for regulated entities and the community. We regularly engage and consult with the general public and key stakeholders in making legislative instruments to increase transparency in our decision-making process.

In 2023–24, we worked closely with the Australian Digital Health Agency to develop and update guidance material used by healthcare providers to comply with their obligations under the My Health Records legislative framework. In the CDR space, we collaborated with Treasury, the Data Standards Body and ACCC to analyse proposals to develop the CDR framework and to maintain privacy guidance for regulated entities.

During 2023–24, the OAIC made 27 submissions overall. In particular, the OAIC engaged with the Department of Industry, Science and Resources' (DISR) consultation on measures to promote safe and responsible AI in Australia. We also contributed to a joint submission from DP-REG agencies that discussed how our respective regulatory frameworks currently apply to AI technology. The OAIC continues to engage closely with DISR following the release of the Government's interim response to the safe and responsible AI consultation in January 2024.

We also collaborate with domestic and international regulators on enforcement matters. In 2023–24,

we continued our joint investigation with the New Zealand Office of the Privacy Commissioner (OPC) into the personal information handling practices of Latitude following a data breach that occurred in March 2023. This is the first joint privacy investigation by Australia and New Zealand and reflects the impact of the data breach on individuals in both countries. Under s 33A of the Privacy Act, the Commissioner may proactively share information with OPC. The investigation does not preclude the OAIC and OPC reaching separate regulatory outcomes or making separate decisions regarding the most appropriate regulatory response to a breach.

To assess our performance against this measure, data was collected through the OAIC's independent annual stakeholder survey. Based on the average performance rating of relevant survey questions, an index score of 58 was achieved for this measure out of 100, in line with the baseline achieved in 2023.

The average scores for every sub-measure under this performance measure surpassed the mid-point of 3. The highest average scores achieved by the OAIC

in terms of this performance measure relate to the OAIC being transparent in its decision-making, and consulting with the stakeholder organisations when appropriate, which was the same as in 2023.

The least positive responses, in line with 2023, were for the OAIC's understanding of the particular issues relating to stakeholders, the OAIC's collaborative approach to addressing issues, and the OAIC's range of consultative mechanisms to ensure stakeholders can be involved.

The OAIC will assess the survey results and consider stakeholder initiatives that can lift sub-measures across the board, in particular relating to views that there are opportunities for the agency to gain a deeper understanding of stakeholder issues.

We will proactively explore new ways to engage with stakeholders and are committed to finding innovative ways to collaborate to solve issues.

For more information about the survey results and methodology, see Appendix F.

## Collaboration with domestic and international regulators

### Cyber Security Regulator Network

As a founding member of the Cyber Security Regulator Network (CSRN), and co-chair, the OAIC has worked with the Australian Prudential Regulation Authority (APRA), the Australian Securities and Investments Commission (ASIC), the Australian Communications and Media Authority (ACMA), and the ACCC to strengthen regulatory cooperation and responses to cyber incidents. CSRN members share information about current and emerging cyber security risks and contribute to whole of government cyber incident preparedness efforts.

The CSRN works collaboratively with the National Cyber Security Coordinator, together with the National Office of Cyber Security and the Department of Home Affairs, to facilitate efficient and effective engagement with regulators across regulatory, policy and incident response frameworks.

### International engagement

The OAIC engages with international networks and fora to keep abreast of emerging privacy and freedom of information developments, share knowledge and exchange information, and promote consistently high standards of data protection and information access rights around the globe.

Engagement with the international community is essential to ensuring that domestic frameworks are fit-for-purpose and informing best privacy and freedom of information practice.

The OAIC continues to be a leader in the global privacy environment. Our office hosted the 60th Asian Pacific Privacy Authorities (APPA) forum from 30 November to 1 December 2023 in Sydney, Australia. The 2-day forum brought together privacy authorities from all over the Asia-Pacific region to collaborate and exchange ideas on a variety of privacy issues, regulatory experiences and enforcement challenges.

## Collaboration and engagement with stakeholders

### Stakeholder roundtables

In 2023–24, the OAIC hosted roundtables with key stakeholders to ensure that we remain responsive to the community's expectations in promoting and upholding privacy and information access rights.

In April 2024, the OAIC hosted a privacy roundtable with a range of stakeholders from civil society and academia for a discussion about the OAIC's privacy regulatory work, current and emerging privacy risks and harms and regulatory priorities. The roundtable also provided an opportunity for dialogue with stakeholders around key privacy risks and harms to help inform the OAIC's strategic regulatory priorities and areas of regulatory focus.

The OAIC also hosted a subsequent privacy roundtable, focusing specifically on Digital ID, in July 2024. The roundtable provided an opportunity to communicate the OAIC's Digital ID regulatory priority areas to stakeholders and gain an understanding of the major perceived privacy risks associated with the operation of the Digital ID program, to assist the OAIC in determining its Digital ID regulatory approach.

### Remade legislative instruments

In 2024, the OAIC remade the Privacy (Credit Related Research) Rule 2014 to enable credit reporting bodies to continue using de-identified information for credit research under section 20M, reflecting feedback from stakeholders that it was still being utilised.

In addition, the OAIC consulted on and remade the Privacy (Persons Reported as Missing) Rule 2014, which sets out the circumstances in which handling the personal information of a missing person will constitute a permitted general situation for the purposes of s 16A of the Privacy Act. The Information Commissioner also consulted on and approved three sets of guidelines issued by the National Health and Medical Research Council as required by ss 95, 95A and 95AA of the Privacy Act.

These Guidelines set out the circumstances in which entities may handle health information, including genetic information, without the affected individuals' consent, constituting a permitted health situation for the purposes of s 16B of the Privacy Act (see Privacy (Guidelines issued under s 95A) Approval 2024 and Privacy (Guidelines issued under s 95AA) Approval 2024). In particular, the guidelines issued under ss 95 and 95A set out frameworks for the handling of health information for health and medical research purposes.

### Privacy Awareness Week 2024

Privacy Awareness Week (PAW) is an initiative of the APPA forum, held every year to promote and raise awareness of privacy issues and the importance of protecting personal information.

The OAIC led the Australia-wide campaign for PAW 2024, in partnership with state and territory privacy regulators. Aligning with the overall APPA theme of: Privacy and technology: improving transparency, accountability and security, our campaign added the tagline 'power up your privacy'.

Promotions began in late 2023, with the week itself running from 6–12 May 2024. Approximately 1,000 organisations and government agencies supporters signed up for PAW 2024, with over 700 listed on our PAW website – now with its own domain of paw.gov.au. Supporters made use of toolkit materials we created, and also made their own, taking the opportunity to promote key privacy messages and awareness internally and externally, and sharing PAW social media content.

We spoke at 5 external events with around 1,150 live event attendances, as well as supporting a video and podcast, and attending events in person in Sydney, Canberra, Brisbane and Melbourne. We also promoted state-based regulator events, and participated in 2 joint panel events with other privacy regulators, as well as issuing a joint statement with other Privacy Authorities Australia members. The Privacy Commissioner also undertook interviews with a range of media outlets.



## Measure

**4.3 Stakeholder assessment of the extent to which the OAIC’s regulatory activities are risk based and data driven**



## Target

**2022–23 baseline result exceeded Achieved**

We use data to assess risk and use appropriate regulatory tools to address privacy and information access issues in a proportionate and evidence-based way. Our aim is to support compliance and maintain essential safeguards while minimising regulatory burden.

As an agency, we identify and manage risk in the context of our overall regulatory requirements and performance, aligned with our risk appetite, to embrace opportunities, deal with threats, foster innovation and build a strong risk culture across the OAIC. Consistent with Australian Government Investigations Standards 2022, the OAIC continues to evolve a positive risk culture in undertaking our investigative functions.

For major investigations conducted under s 40 of the Privacy Act, various risks are identified when an investigation is commenced, privacy impact assessments are conducted, where relevant, in respect to the collection of data; governance and reporting processes are in place to ensure oversight by senior executives; and process improvements are a high priority. Capability development is also a high priority and is reflected through the identification of resources and training opportunities for those undertaking regulatory activities.

High-quality data analysis is integral to the OAIC’s decision-making on regulatory actions, and is supported by our dedicated data team. The OAIC’s strategic communications team also undertakes ongoing media scanning to identify emerging issues.

We closely monitor risk through a range of governance measures to inform our regulatory decision-making and prioritise resources. For example, in relation to the Consumer Data Right, the OAIC regularly identifies and mitigates existing and emerging risks that could impact on the OAIC’s delivery of our CDR functions.

These were overseen by the Strategic Regulatory Committee and former CDR Internal Governance Forum throughout 2023–24.

For OAIC assessments, when developing a work program we use data from various sources, including OAIC complaint and enquiries data, CII or data breach notification data, information from external dispute resolution schemes, significant media coverage, and information about new technologies, processes or legislation. We also undertake background research and risk assessments to inform this work.

External Dispute Resolution (EDR) schemes recognised by the Information Commissioner to handle certain privacy-related complaints (s 35A of the Privacy Act) are required to provide quarterly and ad hoc reports to the OAIC in relation to serious or repeated interferences with privacy and systemic privacy issues. The OAIC’s EDR schemes coordinator facilitates distribution of this information to functional line areas across the OAIC. The EDRs also provide an annual report on both privacy and CDR complaints to the OAIC.

Agencies subject to the FOI Act are required to provide the OAIC with a range of FOI statistics and information about their staffing and FOI expenditure. We use this information to identify, inform and prioritise FOI regulatory action. In 2023–24 we also undertook our five-yearly review of the Information Publication scheme (IPS), which has provided valuable data to inform our future work in FOI and access to information.

To assess our performance on this measure, data was collected through the OAIC’s independent annual stakeholder survey.

Based on the average performance rating of relevant survey questions, an index score of 56 was achieved for this measure, equal to the lowest rated performance measure as recorded by the survey. However, the index score significantly surpassed the baseline achieved in 2023.

Notably, the average scores for every sub-measure increased under this performance measure. The highest average scores achieved by the OAIC in terms of this performance measure relate to perceptions of the OAIC working with stakeholders to encourage voluntary compliance, and understanding emerging issues and changes impacting regulated sectors.

The OAIC's prioritisation of resources to areas of highest risk of harm, previously rated more negative than positive, has now surpassed the mid-point of 3. However, the OAIC's efforts to reduce the regulatory burden on stakeholders remains under the mid-point of 3.

The OAIC will assess the survey results and implications of the responses, and consider stakeholder initiatives that can lift sub-measures across the board, in particular relating to more effective consultation. We will consider our approach to risk and prioritisation and regulatory burden to identify and implement improvements. For more information about the survey results and methodology, see Appendix F.



### Case study: My Health Record privacy assessment

In 2023–24, the OAIC conducted a privacy assessment that examined use of the [My Health Record emergency access function](#) by 150 GP clinics and 150 retail pharmacies. The emergency access function enables healthcare providers to view a patient's My Health Record – including any restricted information or documents – without the patient's consent. Given the sensitivity of health information, the function has strict conditions as to when it can be used. This assessment surveyed 300 healthcare providers about their awareness of their obligations when using the emergency access function, and governance measures in place to protect patients' privacy.

The assessment found that around half of the healthcare providers had written policies and procedures to promote appropriate use of the function, and half had individual user accounts for staff. But healthcare providers generally lacked proactive measures to identify misuse (e.g. reviewing access logs), and only a minority of healthcare providers who had used the emergency access function did so for its intended purpose.

In response to the assessment findings, the OAIC developed resources for healthcare providers to address knowledge gaps and [improve practices](#) to better protect patients' personal information.

## Assessments

The OAIC uses assessments to facilitate compliance by identifying, and making recommendations to address, privacy risks and legislative non-compliance.

In 2023–24, the OAIC assessed the privacy practices of well over 300 entities including Australian Government agencies and healthcare provider organisations. Our assessments covered a range of areas including the Digital ID System, digital health, privacy training and data breach preparedness.

When conducting these assessments, we used a range of methods including reviewing documents, conducting interviews, and administering surveys and questionnaires. The recommendations made in our assessments were generally accepted by the assessment participants.

### Digital ID System

In 2023–24, the OAIC conducted 2 assessments of the Digital ID System, both assessing the Australian Tax Office (ATO). The first assessment considered the security of personal information, while the second assessment considered myGovID's privacy policy, consent process and disclosure of data. We expect to complete both assessments by 2025.

### Digital health assessments

The OAIC conducted 2 My Health Record assessments in 2023–24. The first assessment examined the Australian Digital Health Agency's my health mobile application and its compliance with the Australian Privacy Principles. We expect to complete this assessment by 2025. The second assessment examined 300 healthcare practices' use of the My Health Record system's emergency access function. This assessment is summarised in the case study on this page. We completed this assessment in June 2024.

### Data breach preparedness

The OAIC assessed the data breach response plans of 7 entities, as a reasonable step they could take to secure personal information. We commenced this assessment in 2022–23 and completed it in August 2023.

## Privacy training

In 2023–24, the OAIC assessed the privacy training of 8 entities. Privacy training is a reasonable step to implement practices, procedures and systems to ensure the entities comply with the APPs. We finalised this assessment in June 2024.

## Consumer Data Right

The OAIC finalised 2 CDR assessments in 2023–24.

*CDR Assessment 4* assessed 3 accredited persons' and 3 data holders' consent and authorisation processes. Consent is the bedrock of the CDR system, and consent and authorisations processes ensure that consumers control their CDR data. Most of the assessed entities demonstrated a high level of compliance, but 7 recommendations were made.

*CDR Assessment 5* assessed the CDR policies of 19 accredited persons against their Privacy Safeguard 1 and CDR Rule 7.2. CDR policies inform consumers about how CDR data is managed, how they can access and correct their CDR data, and the complaints handling process. A total of 134 recommendations were made to address non-compliance identified.

In addition to conducting assessments, the OAIC follows up entities we have previously assessed on a risk basis, to check they have implemented our recommendations. In 2023–24, we conducted 37 follow-up assessments, 7 of which we commenced in 2022–23 (completing 6) and commencing 30 in 2023–24 (completing 17).



## Measure

4.4 Number of stakeholder engagement activities



## Target

Targets not appropriate due to fluctuations in nature and complexity of policy environment in any given year  
Not applicable

We engage with stakeholders in a number of ways, including through consultation activities, OAIC-organised and external events, international and domestic forums, agency roundtables, intergovernmental meetings, media comment and speaking engagements.

As well as in-person engagements, we use a range of communication channels to reach stakeholders in business, government and the broader community, including newsletters and reports, our website, and social media.

We also run 2 key annual campaigns, Privacy Awareness Week in May and International Access to Information Day in September (see pages 39 and 45). Both provide an important opportunity to engage with stakeholders through events and collaboration, as well as engaging the broader public.

This year, we again undertook a stakeholder survey to assess our performance in 2023–24 across our privacy, consumer data right and information access functions. The results will again help inform our approach planning for the year to come.

Stakeholder engagement in the FOI space was a particular focus in 2023–24, both through the formal mechanisms of our IPS review and less formally through FOI workshops and information sessions, and the senior Commonwealth FOI leadership group established in 2023.

We continued to engage and collaborate with other domestic information access and privacy regulators, and take a leading international role in engaging on privacy and information access issues. In 2024, the OAIC was elected to the Executive Committee of the International Conference of

Information Commissioners ([LICIC](#)), and we continue as co-chair of the GPA Digital Citizen and Consumer Working Group.

We also continue to provide the secretariat functions for the Digital Platform Regulators Forum, and in

2023–24 released a number of working papers and joint submissions, including on AI and large language models. More information on our stakeholder engagement activities can be found across this report, including measures 2.1, 3.2, and 4.2.

## Spotlight on communications

### ACAPS Survey

In March 2023 we undertook our three-yearly longitudinal survey on privacy: the Australian Community Attitudes to Privacy Survey (ACAPS). We surveyed a nationally representative sample of 1,916 unique respondents aged 18 and older.

ACAPS provides longitudinal information on Australians' attitudes to key privacy issues, their experiences and perspectives around the use and protection of their personal information. It helps inform our work, and privacy discussions more broadly. Among other topics, the 2023 survey explores biometrics and data breaches and harms.

### Information Matters and ICON alerts

We send our monthly *Information Matters* newsletter to more than 8,000 active subscribers. It updates our stakeholders on the latest OAIC news, guidance, resources and decisions. We also send out special ICON alerts to Australian Government FOI practitioners, with around 500 subscribers. Both publications are available on our website.

### Social media

We have continued to grow the OAIC's reach on social media, which is an important channel for promoting awareness of privacy and information access rights and responsibilities.

Over the reporting period the number of:

- LinkedIn followers increased by 41% to 13,313
- X followers increased by 1% to 7,134
- Facebook followers increased by 5% to 4,835
- Instagram (established in August 2023) followers reached 268

### Media enquiries

Media engagement is effective for communicating the OAIC's regulatory priorities and expectations to a broad audience. In the reporting period, we received 295 media enquiries, a 22% increase compared to 2022–23 (242).

### External events

Our speeches and engagements program assists us in achieving our strategic priorities. The OAIC had 46 speaking engagements in the reporting period.

The external events we participated in included:

- SydneySEC, the Australian Information Security Association's cyber security conference
- the Asia Pacific Privacy Authorities (APPA) Forum
- the Australian Human Rights Commission Neurotechnologies and Human Rights Symposium
- the IAPP Global Privacy Summit
- the Australian Government Solicitor FOI and Privacy Law Conference
- the Australian Communications Consumer Action Network (ACCAN) Communications Consumer Congress
- *The Mandarin* Rebuilding Trust and Integrity in the Australian Public Service Conference
- *The Australian Financial Review* Government Services Summit.

A list of upcoming and recent events is available on our website.



**Table 4.4: Media enquiries**

Month	2022-23	2023-24
Jul-23	9	13
Aug-23	9	17
Sep-23	42	16
Oct-23	36	15
Nov-23	22	18
Dec-23	8	20
Jan-24	13	28
Feb-24	16	19
Mar-24	41	18
Apr-24	13	24
May-24	17	46
Jun-24	16	34
<b>Total</b>	<b>242</b>	<b>295</b>



### Measure

4.5 Average call duration of telephone enquiries to the OAIC public enquiry line



### Target

Lower than baseline result  
Not achieved

The OAIC provides information and assistance to entities and members of the public about privacy and FOI matters through its telephone enquiries line. The enquiries we receive commonly relate to the OAIC’s jurisdiction and processes.

Over half of all privacy-related enquiries related to the Australian Privacy Principles (APPs). Enquires about APP 11 (security of personal information) and APP 12 (access to personal information) were again those raised most frequently, as in 2022-23. Other common APP enquiries concerned use or disclosure, privacy generally, and collection.

Other privacy enquiry topics included credit reporting, data breach notifications and the NDB scheme.

Approximately 13% (1,617) of the enquiries received by the OAIC concerned FOI matters. Those enquiries primarily related to the OAIC’s jurisdiction to deal with FOI issues, general FOI processes, and agency FOI processing information.

In 2023-24, more than 70% (8,817) of the 12,104 enquiries made to the OAIC were received by telephone. On average, those calls lasted 6:33 minutes, reflecting efficient and effective advice to the public.

## Snapshot of enquiries from the public

**Table 4.5.1a: Number and nature of enquiries involving the APPs**

	2023-24
APP 11 – Security of personal information	1,482
APP 12 – Access to personal information	1,446
APP 6 – Use or disclosure	1,165
Privacy generally	1,018
APP 3 – Collection	942
Exemptions	540
APP 5 – Notification of collection	369
APP 13 – Correction	169
APP 10 – Quality of personal information	93
APP 7 – Direct marketing	92
APP 8 – Cross-border disclosure	42
APP 1 – Open and transparent management	25
APP 4 – Unsolicited personal information	17
APP 2 – Anonymity and pseudonymity	15
APP 9 – Government identifiers	14
<b>Total</b>	<b>5,928</b>

**Table 4.5.1b: Number and nature of FOI enquiries**

	2023-24
OAIC's jurisdiction	835
General processes	615
Processing by agency	204
Agency statistics	35
Access to general information	10
Information Publications Scheme	15
Access to personal information	3
Amendment and annotation	2
Vexatious application	1
<b>Total</b>	<b>1,617</b>

**Note:** In both tables, a single enquiry can contain more than one topic.





# Part 3

## Management and accountability

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# Corporate governance

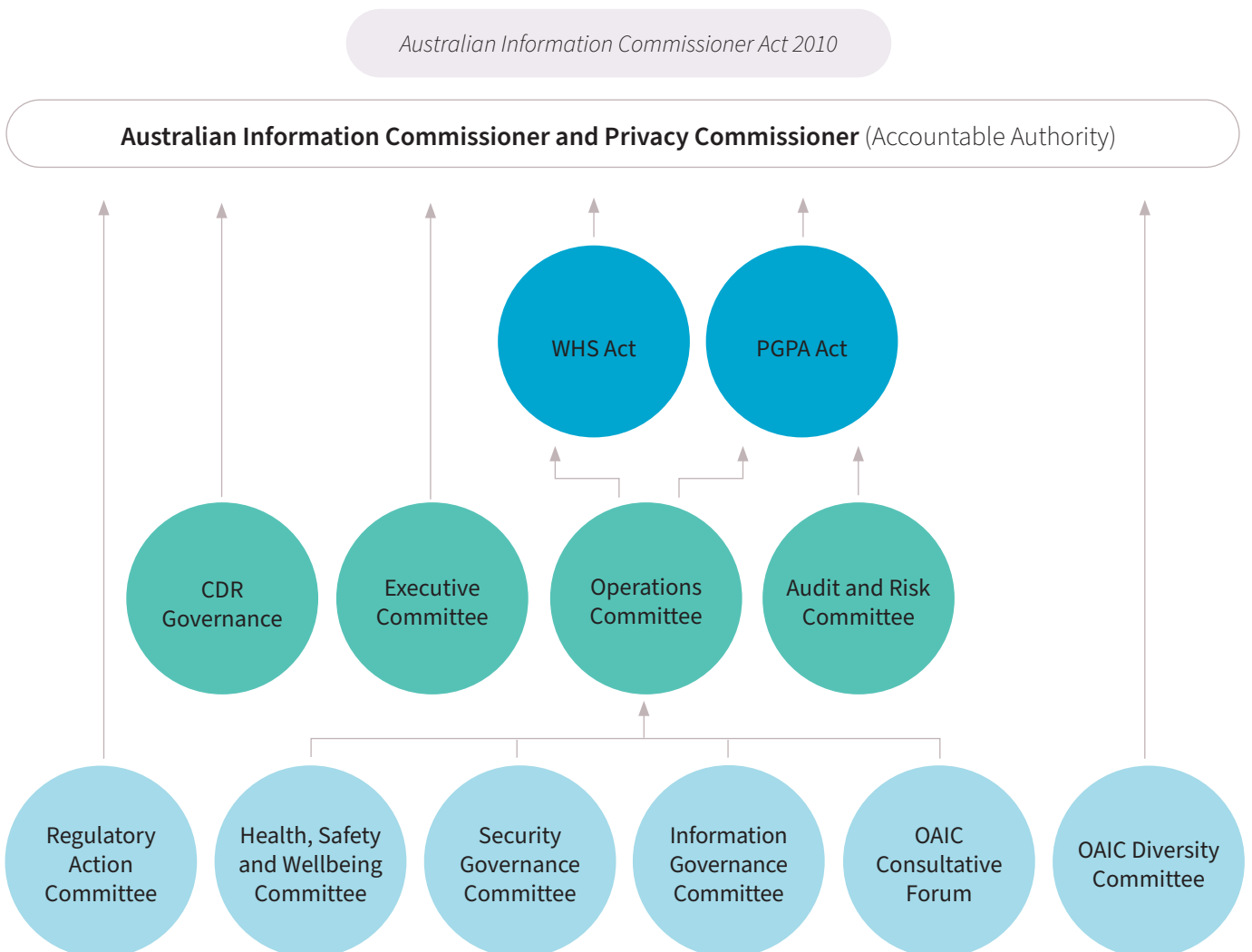
Our corporate governance framework and practices define how we manage our regulatory and operational responsibilities and deliver on our strategic objectives. Setting strategic direction, implementing and maintaining effective controls, policies and processes, and monitoring progress are key elements of this framework.

The OAIC’s corporate governance arrangements comply with statutory requirements and are regularly

reviewed to ensure they remain relevant and fit-for-purpose.

During 2023–24 the OAIC returned to an operating model with 3 commissioners. To support this model, we implemented a new overarching governance framework that focuses on process efficiency, collaborative leadership and supporting robust and strategic decision making.

**Figure 3: Governance committees (July 2023 – March 2024)**

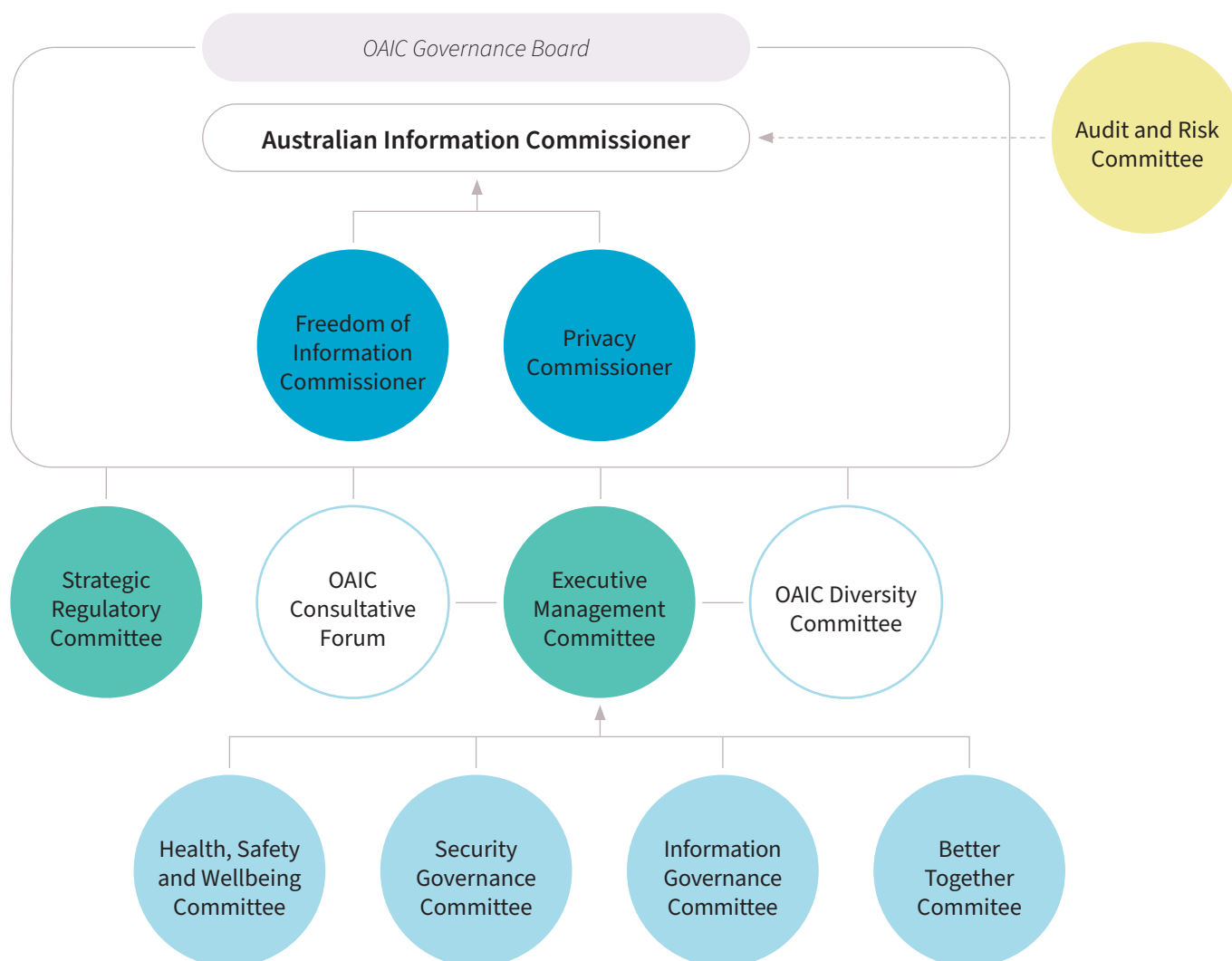


The governance changes complement other organisational changes the OAIC is implementing in 2024–25 following the strategic review undertaken in 2023–24, for which we received additional funding in the May 2023 budget. This funding was a welcome outcome of our long-running efforts to garner support for a review of the OAIC’s functions and resourcing requirements, to ensure we are well positioned to meet the needs of the community (see page 59).

## Governance Framework

Our Governance Framework upholds the principles and values of the public sector to provide transparency, accountability, integrity and efficiency. They are detailed in Figure 3 for the period from July 2023 to March 2024, and Figure 4 for the period from March 2024.

**Figure 4: Governance committees (from March 2024)**



## Enabling legislation

The OAIC is an independent statutory agency established under the *Australian Information Commissioner Act 2010* (AIC Act). The Information Commissioner, Privacy Commissioner and Freedom of Information Commissioner each have statutory functions and powers conferred on them pursuant to the AIC Act.

We are accountable as a non-corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). Our annual reporting responsibilities are contained in s 46 of the PGPA Act and s 30 of the AIC Act. We also have a range of reporting and other responsibilities under legislation that is generally applicable to Australian Government authorities.

## Portfolio structure and responsible minister

The OAIC is an independent statutory agency in the Attorney-General's portfolio. The minister responsible is the Attorney-General, the Honourable Mark Dreyfus KC MP.

## Executive

The OAIC operates a Governance Board with a Strategic Regulatory Committee and Executive Management Committee.

## Governance Board

The Governance Board is the peak governing body of the OAIC, comprising the 3 Commissioners. The Board is responsible for ensuring good governance of the OAIC and determining the agency's strategic objectives and priorities to ensure we can achieve our purpose and regulatory functions. The Deputy Commissioner is a standing attendee at Board meetings.

The Governance Board is scheduled to meet monthly.

## Strategic Regulatory Committee

The Strategic Regulatory Committee (SRC) is a committee of the Board and comprises the 3 Commissioners as independent statutory decision-makers. The SRC provides collective leadership and support for decision-making on the OAIC's privacy and FOI regulatory approach, through clear lines of accountability for exercising these regulatory functions. The OAIC Executive, General Counsel and Executive Director Legal are standing attendees at SRC meetings.

The SRC is scheduled to meet fortnightly.

## Executive Management Committee

The Executive Management Committee (EMC) is chaired by the Deputy Commissioner and comprises all non-Commissioner SES staff. The Chief Financial Officer, Chief Information Officer and General Counsel are standing attendees at the EMC.

The EMC provides executive oversight and engagement in the operational management of the OAIC. The EMC is responsible for ensuring operationalisation of the OAIC's governance arrangements and supporting the Deputy Commissioner in the day-to-day management and operational decision making of the agency. The committee considers matters such as budget management and allocation, operational policies, people management, regulatory compliance and risk management.

The EMC is scheduled to meet monthly.

## Corporate plan

The OAIC's planning and reporting requirements are set out in the PGPA Act and the AIC Act.

Our primary strategic and planning document is the OAIC corporate plan, which details the objectives and priorities for the year ahead, how they will be achieved and how success will be measured.

The OAIC's *Corporate plan 2023-24* was published in August 2023.

## Risk management

Effective risk management is critical to our compliance with our legislative obligations and contributes to improved performance and sound governance. The OAIC Risk Management Policy and Framework aligns with the Commonwealth Risk Management Policy and details how we engage with and manage risk to achieve our objectives.

The OAIC takes an integrated approach to risk, which is monitored and reported as part of our business practices, and planning, review, and governance processes.

The OAIC Risk Appetite Statement describes our attitude towards risk-taking and details the level of risk we are willing to accept for individual risk categories.

Regular reporting was provided to the accountable authority, Audit and Risk Committee, and governance committees, regarding current and emerging risks, threats and opportunities. All OAIC staff are required to undertake an introductory risk management training module upon induction.

## Fraud and corruption

Fraud and corruption are unacceptable within the OAIC or in carrying out its work. The OAIC takes all reasonable and practical steps to prevent, detect and respond to fraud and corruption suspicions and allegations.

Aligned with the Commonwealth Fraud Control Framework, the OAIC's Fraud and Corruption Control Framework includes our Fraud and Corruption Control Policy and Guidelines, and Fraud Control Plan and Risk Assessment.

Fraud and corruption risks are regularly monitored and reviewed through a scheduled risk management and monitoring program. The appropriateness of the OAIC's fraud and corruption control arrangements is considered by the OAIC Audit and Risk Committee.

All OAIC staff receive training on fraud and corruption and managing conflicts of interest as part of their induction training. Annual fraud awareness training is mandatory for all OAIC staff and was completed by all staff (excluding those on long-term leave or secondment) in 2023–24. Additional mandatory training was provided to OAIC staff in 2023–24 to coincide with the implementation of the National Anti-Corruption Commission.

## Commonwealth Child Safe Framework

The OAIC is committed to ensuring the safety and wellbeing of children in relation to the work that we undertake and interaction with our staff, in line with the Commonwealth Child Safe Framework.

In conducting our regulatory work, OAIC staff have minimal direct interaction with children; however, the following measures are in place to enhance the protection of children during any interactions with OAIC staff:

- All OAIC staff must obtain and maintain a minimum baseline security clearance
- All OAIC staff are required to adhere to the OAIC's policies, procedures and the Australian Public Service (APS) Code of Conduct
- The OAIC requires all staff to undertake a pre-employment suitability assessment and provide a satisfactory National Police Check prior to employment
- We consult with bodies representing the interests of children and young people to help inform policy proposals and developments, and the drafting of guidance material relating to the safety, wellbeing, and rights of children.

The OAIC maintains a risk register to ensure risks related to child safety are documented and controls are applied to mitigate any identified risks.

## Internal audit

The OAIC's internal audit services were provided by KPMG during 2023–24.

The risk-based internal audit program is informed by a consultative and collaborative process involving key OAIC officials, and approved by the Australian Information Commissioner following the endorsement of the Audit and Risk Committee. All audit reports are presented to the Audit and Risk Committee, with accompanying plans to action any recommendations as part of ongoing efforts to improve agency processes and performance.

We will continue to focus audit resources on areas of significant risk, while being flexible to respond to emerging risks and changing demands. The audit



program continues to be reviewed and revised to account for significant changes in the internal and external environment and to reflect the continued growth in the OAIC's maturity and capability.

## Audit and Risk Committee

Our Audit and Risk Committee provides independent advice to the Australian Information Commissioner on the appropriateness of the OAIC's financial reporting, performance measurement, risk oversight and management, and internal control systems.

The Audit and Risk Committee charter was updated in 2023–24. It sets out the role, responsibilities and expectations of the committee, and is available on

the OAIC website at: <https://www.oaic.gov.au/about-the-OAIC/our-corporate-information/operational-information/oaic-audit-committee>.

The committee met 4 times during 2023–24.

During 2023–24 the Audit and Risk Committee comprised of an independent Chair and 2 external members. Committee advisors and observers included representatives from the Australian National Audit Office (ANAO) and external auditor, the internal auditor, and OAIC subject matter experts and management representatives.

Details of the Audit and Risk Committee's membership for the 2023–24 period, including remuneration, meeting attendance, and the experience and qualifications of members, are provided in Table 2.

**Table 2: Audit and Risk Committee membership**

Member name	Qualifications, knowledge, skills or experience	No of meetings attended	Total no of meetings held	Total annual remuneration (GST inc.)	Role on committee
Josephine Schumann (Chair)	Ms Schumann is a former senior public servant with experience as the corporate executive general manager at the Australian Competition and Consumer Commission. She has extensive experience at the Senior Executive Service level within various Australian Government agencies and currently chairs audit committees for several agencies. Ms Schumann has strong public sector and regulatory experience, with her skillset including risk and organisational performance.	4	4	\$9,684 <sup>1</sup>	Chair
Anita Kauffmann	Ms Kauffman is a chartered accountant with qualifications in governance and mediation. She is an experienced audit committee member, including as chair of the Civil Aviation Safety Authority's Board Audit and Risk Committee. Formerly a chartered accountant in public practice and chief financial officer at the University of New England, Ms Kauffmann has held numerous board, committee and executive roles in the education, aviation, sports administration, primary production, health and public policy sectors.	4	4	\$7,172	Member
Peter Woods	Mr Woods is a consultant in ICT and corporate management. He has worked in a range of senior executive roles in government agencies, including as chief information officer at the Australian Competition and Consumer Commission and chief information officer and head of the Corporate Services Division at the Department of the Environment. He has extensive experience in the executive management of major ICT business solutions and procurement projects and has served on multiples boards.	4	4	\$7,172	Member

<sup>1</sup> No GST was charged.

# External scrutiny and review

## OAIC strategic review

The May 2023 Budget provided the OAIC with funding to engage external expertise to undertake a strategic review. The review was undertaken across November to February and has provided an important opportunity to identify strategies and further adapt the OAIC's regulatory structure and practices across its regulatory functions.

The review report was delivered to the Australian Information Commissioner and the Secretary of the Attorney-General's Department on 19 February 2024. The recommendations related solely to the OAIC have been accepted by the OAIC, with other recommendations under consideration by Government. The OAIC has developed and commenced implementation of plans to address the review's recommendations, where possible, ahead of any further decisions by Government.

## Judicial decisions

During the reporting period, there have been several judicial decisions or decisions of administrative tribunals that have or may have significant impacts on our operations, or provide new authority impacting our regulatory functions.

These include:

- *Foley v Australian Information Commissioner* [2024] FCA 169 – In this matter, the Federal Court quashed a decision to decline to investigate a representative complaint, finding that the Privacy Act does not preclude the OAIC receiving more than one representative complaint into the same subject matter and covering substantially the same class members.
- *Warren v Chief Executive Officer, Services Australia* [2024] FCAFC 73 – This Full Federal Court decision considered the operation of the Cabinet documents exemption under the FOI Act.
- *Patrick v Attorney-General (Cth)* [2024] FCA 268 – In this Federal Court decision, the Court determined that whether a document is an official document of a Minister for the purposes of the FOI Act is to be assessed at the date that an FOI request is lodged, not at some later review date after the relevant

Minister might have changed. The full Federal Court has upheld this decision on appeal (*Attorney-General v Patrick* [2024] FCAFC 126).

During this time, the Australian Information Commissioner was also involved in several important judicial decisions. These are:

- *Medibank Private Limited v Australian Information Commissioner* [2024] FCA 117 – In this matter, the Federal Court dismissed an application seeking to restrain the Australian Information Commissioner from making a determination under s 52(1) and/or s 52(1A) of the Privacy Act 1988 and enforcing any such determination under s 55A in respect of both a representative complaint lodged with the OAIC against Medibank under ss 36 and 38 and the Australian Information Commissioner's own initiative investigation under s 40(2).
- *Patrick v Australian Information Commissioner* [2024] FCAFC 93 – This matter is considered in more detail below.

## External audit

There were no reports on our operations by the Auditor-General or the Commonwealth Ombudsman in 2023–24.

The Auditor-General is the external auditor for the OAIC, as required by the PGPA Act. The Auditor-General, through the firm Crowe on behalf of the Australian National Audit Office (ANAO), audited the OAIC's financial statements to ensure they were prepared in accordance with the Australian Accounting Standards and other requirements prescribed by the Public Governance, Performance and Accountability (Financial Reporting) Rule 2015. The OAIC's financial statements are presented in Part 4 of this report. The Auditor-General issued an unmodified audit opinion for the OAIC's 2023–24 financial statements.

Under its Charter, the Audit and Risk Committee is empowered to act as a forum for communication between OAIC management and the ANAO, and to review both the financial accounts and the processes in place that support the integrity of financial information published in the annual report.

The ANAO did not conduct any performance audits on OAIC operations in 2023–24.

## Parliamentary committees

During the 2023–24 reporting period, the OAIC appeared before the Legal and Constitutional Affairs Legislation Committee for Senate and Budget Estimates in October 2023, March 2024 and May 2024.

On 28 March 2023, the Senate referred an inquiry into the operation of Commonwealth Freedom of Information law to the Legal and Constitutional Affairs References Committee. The OAIC provided a submission to the inquiry on 28 July 2023 and a supplementary submission on 14 November 2023. The OAIC appeared before the committee on 29 August 2023. The committee tabled a majority report on 7 December 2023 and made 15 recommendations.

The majority report concluded that the FOI system is not fit for purpose and made recommendations around FOI process, resourcing and culture including proposed amendments to the FOI Act and AIC Act. The majority report also included commentary about the leadership and culture of the OAIC.

On 30 October 2023, the OAIC appeared before the Senate Legal and Constitutional Affairs Legislation Committee inquiry into the provisions of the *Identity Verification Services Bill 2023* and consequential amendment Bill. The committee released its report in November 2023 recommending the Bills be passed.

On 9 February 2024, the OAIC appeared before the Senate Economics Legislation Committee inquiry into the provisions of the Digital ID Bill 2023 and the Digital ID (Transitional and Consequential Provisions) Bill 2023. The committee released its report in February 2024, recommending the Bills be passed.

On 23 May 2024, the OAIC appeared before the Parliamentary Joint Committee on Law Enforcement regarding the inquiry into the capability of law enforcement to respond to cybercrime. The appearance was to discuss the OAIC's submission to the inquiry.<sup>2</sup> The inquiry is still ongoing.

<sup>2</sup> See: [OAIC submission to the Joint Committee on Law Enforcement initiated inquiry into the capability of law enforcement to respond to cybercrime | OAIC](#).

## Federal Court applications relating to OAIC freedom of information regulatory activity

In 2023–24, one FOI matter was the subject of judicial review where the Australian Information Commissioner was the Respondent in proceedings.

On 19 September 2023, former Australian Senator Mr Rex Patrick (Appellant), filed a Notice of Appeal in the Full Court of the Federal Court against the Australian Information Commissioner (Respondent). The appeal is from orders made by Justice Wheelahan on 22 August 2023 following His Honour's judgment made on 26 May 2023 in *Patrick v Australian Information Commissioner (No 2)* [2023] FCA 530.

The Appellant plead that Justice Wheelahan erred in finding that he had not established that there had been unreasonable delay in the sense required to engage section 7(1) of the *Administrative Decisions (Judicial Review) Act 1977* (Cth) (ADJR Act) in connection with his Information Commissioner Review (IC Review) applications under the *Freedom of information Act 1982* (Cth) (FOI Act).

The matter was heard by the Full Court on 26 February 2024. Judgment was delivered on 11 July 2024, with the appeal being dismissed and the Appellant being ordered to pay the Respondent's costs. Mr Patrick has applied for special leave to appeal to the High Court of Australia.

The appeal was primarily considered by reference to the Information Commissioner (IC) review for which Court considered the Appellant had the strongest case (given the period of delay in that review). The Court considered that if the appellant could not succeed in respect of that Information Commissioner (IC) review, he could not succeed on the other 5. The Full Court found that the delay had not occurred because of any act of capriciousness, negligence or oversight, and that there was nothing illogical or irrational about the actions which had resulted in the delay. While their Honours acknowledged that the delay of the IC reviews were very lengthy, they were not satisfied that the delay was unreasonable within the meaning of the ADJR Act.

Further, the Full Court held that even if there was unreasonable delay by the Commissioner, they would

not have made declarations sought by the appellant, because the declarations would have merely been a public statement of the Commissioner's failure to comply with a statutory duty and would not have advanced any right of the appellant (and courts are generally reluctant to make declarations in those circumstances).

## Royal Commission into the Robodebt Scheme

The Royal Commission was established on 18 August 2022 to inquire into the establishment, design and implementation of the Robodebt scheme.

In 2022–23, the OAIC assisted the Royal Commission by responding to enquiries from the Commission in the form of a written submission.

On 7 July 2023, the Australian Government tabled the report by the Royal Commission into the Robodebt Scheme. The Royal Commission found that the Robodebt Scheme failed the public interest in several ways, listing 57 recommendations to address the failures identified.

The report's findings are wide ranging, and the recommendations have implications for the workings of government and more broadly across the Australian Public Service. While no recommendations were specifically directed towards the OAIC, the report makes observations about the exercise of the OAIC's privacy regulatory powers. It found that, with the benefit of hindsight, what occurred under the Robodebt scheme was not given the examination it needed and which could, with the use of the OAIC's full investigative powers, have occurred. There are also intersections between recommendations directed to others and the regulatory remit of the OAIC.

The OAIC established the Robodebt Royal Commission Working Group (RRCWG) to consider the report and recommend actions that can be taken by the agency in relation to those aspects of the report that are relevant to our work. The RRCWG meets monthly and is chaired by the Chief Operating Officer.

# Our people

We are committed to attracting, developing and retaining talent as we grow, and maintaining a highly engaged, skilled and professional workforce. We continue to support our people to deliver what is needed for our stakeholders in a busy and changing environment.

We use our hybrid work model to help us engage the best talent from across Australia, building up and maintaining the multidisciplinary workforce with the skills needed to achieve our purpose – to promote and uphold privacy and information access rights.

The hybrid model has strengthened our employee value proposition, offering flexibility, a geographically diverse workforce and the ability to operate as a small and agile agency that offers an employee-focused hybrid way of working.

Of our workforce, 41% are based outside of NSW, and in 2023–24 we had staff in every state and territory.

**Figure 4: Employees at 30 June 2024 by location**



Headcount (excl casuals)	Total
New South Wales	129
Victoria	24
South Australia	21
Queensland	20
Australian Capital Territory	18
Western Australia	5
Tasmania	2
<b>Total</b>	<b>219</b>

## Learning and development

Our People and Culture team operates in partnership with the Australian Public Service Commission, professional bodies and education providers to offer learning and development opportunities and targeted skills training to our people.

All staff engaged in numerous learning and development opportunities across the year. These included internally and externally hosted sessions, study assistance applications, mandatory annual e-learning refresher training, new starter induction e-learning, and the delivery of Certificate IV in Government Investigations. We also introduced 'Legal Learns' sessions delivered by members of the OAIC's legal team. These activities were supported by our workforce capability advisor, and the Learnhub learning management system.

We also focussed on uplifting leadership capability across both managers and the SES leadership group, and organised a program of learning and development opportunities to support both formal and informal learning.

With the introduction of new legislation against sexual harassment in the workplace, which came into effect in December 2023, we organised online learning for staff and workshops to support manager awareness of the requirements. These workshops, delivered by Comcare, were complemented by a masterclass for SES on employers positive obligations to employees. We also uplifted our workplace behaviour policy.

We also offer opportunities for staff to take up internal and external secondment opportunities, helping our people further grow and develop new skills and additional experience. The APSJobs Mobility Portal, led by the Australian Public Service Commission for existing Commonwealth employees, continues to be a key channel for this activity. Staff engagement is another focus, supported by consultation forums, staff meetings, status surveys and exit interviews.

## Work health and safety

To help ensure we meet our obligations under the *Workplace Health and Safety Act 2011* to provide a safe workplace for all staff, we carry out regular workplace inspections to identify, manage and minimise health and safety risks. We use Work Health and Safety policies and procedures to support the key foundations of a safe workplace, and have a range of other tools, such as a Psychosocial Hazard Prevention Plan and Protective Security Policy Framework.

Our Health, Safety and Wellbeing Committee, in partnership with the People and Culture team, supports the OAIC's activities in this area. In 2023–24, this included the Comcare sessions mentioned above, training for senior executives in psychosocial work health safety, training for health and safety representatives, mental health first aid training for People and Culture staff, new first aid officers and fire wardens, and staff training in using our new onsite defibrillator.

We also offered tailored wellbeing support check-ins for frontline staff through our employee assistance program, which is available to all staff.

We work to ensure that the OAIC is a safe and healthy working environment.

## Workforce statistics

Recruitment was a notable focus in early 2023–24, reducing towards the end of the year. During 2023–24, we had an average staffing level of 182. Our staff turnover was around 19% for ongoing staff, compared to 15% in 2022–23. This involved 38 ongoing staff resigning, retiring or transferring to other Australian Government agencies.

The OAIC continued to grow in 2023–24. We conducted 37 recruitment processes and had 62 people join us in ongoing roles. At 30 June 2024, we had 202.9 full time equivalent (FTE) staff, including in ongoing, non-ongoing and casual roles.

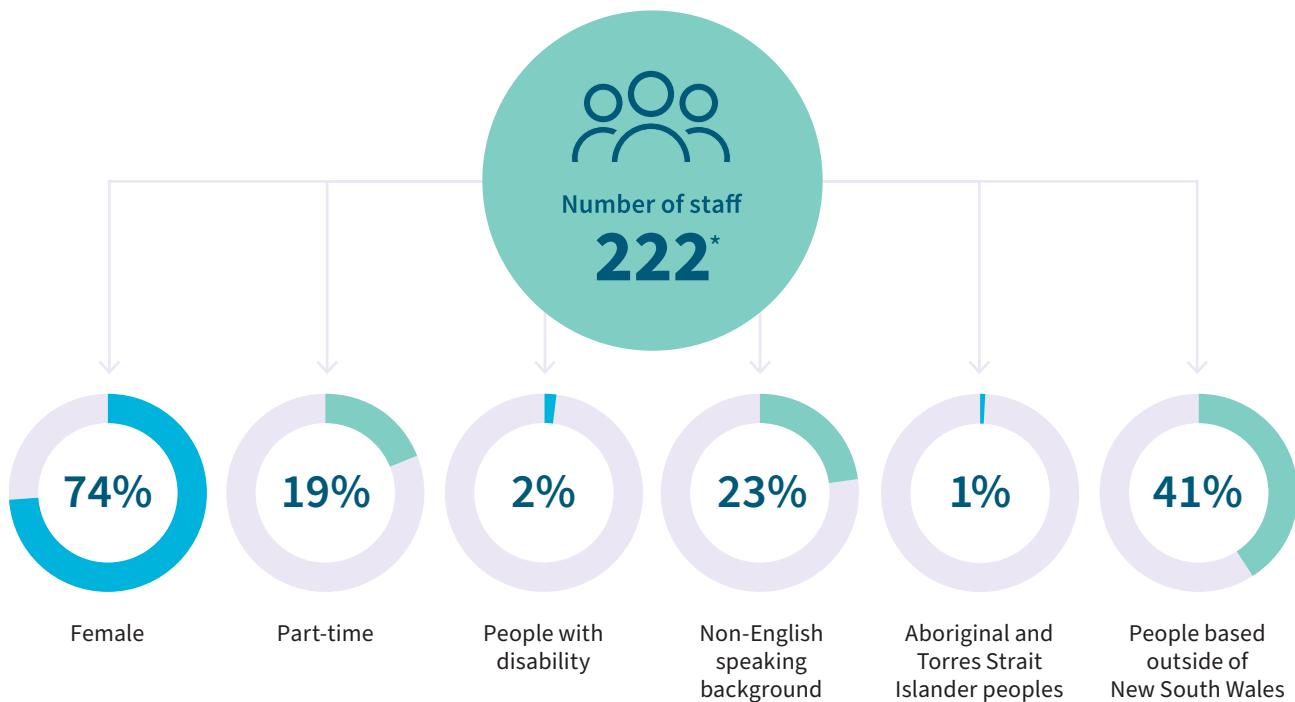
For detailed workforce statistics, see Appendix C.

## Workplace relations

A key feature of 2023–24 was the delivery of a strong new enterprise agreement as part of the service-wide bargaining throughout 2023. The *Office of the Australian Information Commissioner Enterprise Agreement 2024–2027* (Enterprise Agreement) came into effect on 27 March 2024. The new agreement received overwhelming support from staff, with 99% of votes being in favour of it. The bargaining team worked hard across the year to deliver a good result for our people.

The Enterprise Agreement included a range of improvements, including an initial 4% pay rise, and increases to a number of allowances. Another notable improvement was an increase to financial study assistance (up to \$6,000 per financial year, compared to \$500 per subject per semester).

Figure 5: OAIC workforce



\* This reflects total head count as at 30 June 2024 and does not equate to the FTE total of 202.9. These numbers include casuals.

Some additional allowances were also introduced, for example, for employees who are directed to be contactable and available to work outside of the usual span of hours, or to perform a monitoring role outside of the usual span of hours. The work on bargaining was complemented by a process to uplift our policies on performance and development to align with and support the new agreement.

There were a total of 13 active individual flexibility arrangements in place in 2023–24, plus an additional 41 individual flexibility arrangements established in order to pass on the salary increase provided for by the new enterprise agreement, to staff whose salaries were above the OAIC's existing salary structure.

## Benefits

The OAIC offers our people a range of non-salary benefits including:

- flexible working arrangements, including home-based work where appropriate
- an employee assistance program
- extended purchased leave, and access to paid leave at half pay
- parental leave, maternity and adoption leave
- leave for compelling personal reasons and exceptional circumstances
- flextime (APS staff) and time off in lieu (EL staff)
- study assistance, and support for professional and personal development
- contribution to the attainment and maintenance of professional memberships and certifications
- healthy lifestyle reimbursement
- screen-based eyesight testing and prescription glasses reimbursements
- influenza vaccinations

## Census Roadmap 2023

The OAIC's 2023 Census results reflect improvements across all key Indexes compared to 2022 results, placing us above the APS overall result in relation to each Index.

The results also indicate that OAIC staff are planning to stay with the agency for longer. This is consistent with the OAIC reducing its attrition rate significantly in 2023 (15%) compared to 2022 (35%). Our results from the 2023 Census reflect that the OAIC's staff are proud to work here, and believe the OAIC supports and actively promotes an inclusive workplace culture.

Each Census also gives us the opportunity to reflect on the way we work, and make changes. In 2023–24 this included:

1. Evaluating our information management needs to identify how they can be enhanced to better meet our business needs
2. Identifying opportunities to enhance internal communication, including an intranet redesign
3. Better managing competing priorities to facilitate effective workload management
4. Continuing the innovation work we started in 2022 to support the socialisation of ideas and give an avenue to suggest improvements.

We will continue to use census roadmaps to identify and respond to census findings, so that we can continue to improve the work that we do, and act on the feedback and insights from our people.



## Statutory office holder and SES remuneration

The Remuneration Tribunal determined the terms and conditions of our statutory office holders.

Remuneration for Senior Executive Service (SES) officers is governed by determinations made by the Australian Information Commissioner under s 24(1) of the *Public Service Act 1999*.

Ms Toni Pirani was Acting FOI Commissioner until the commencement of Elizabeth Tydd as FOI Commissioner in February 2024. Privacy Commissioner Carly Kind also commenced in her role in February 2024, following the government's announcement last year that it would reinstate the 3-Commissioner model that is provided for under the AIC Act.

Determinations set out the salary of SES officers on commencement and provide for increments in salary, based on performance. Over the course of 2023–24, the OAIC had 9 SES determinations in place that provided for general performance-based increments within existing salary structures.

For more information, see Appendix B.

## OAIC committees

We have a range of committees that provide avenues for our people to get involved in the diverse activities and decisions of the OAIC.

### Better Together Committee

The OAIC's Better Together Committee includes staff from across Australia and focuses on fostering a 'OneOAIC' culture, which acknowledges all our people are an integral part of the agency and contribute to the delivery of our purpose – no matter where they are or what type of work they do.

### OAIC Consultation Forum

The OAIC Consultation Forum (OCF) facilitates consultation between the OAIC, our people and, where they choose, their representatives. It considers issues relating to implementing the OAIC Enterprise Agreement 2024–2027, policies and guidelines for working arrangements, and other matters affecting working arrangements. The OCF was integral to the consultation on the new Enterprise Agreement.

### OAIC Diversity Committee

The OAIC Diversity Committee (ODC) prepares the OAIC Workplace Diversity Strategy, implements actions under our Multicultural Access and Equity Plan, and champions diversity and multicultural activities across the agency to promote a fair, inclusive and productive workplace. Key areas of work in 2023–24 included the Diversity Strategy, NAIDOC Week, International Women's Day and Reconciliation Week.

### OAIC Health, Safety and Wellbeing Committee

The Health, Safety and Wellbeing Committee facilitates cooperation between the OAIC and our people when instigating, developing and carrying out measures designed to ensure workers' health and safety at work. The committee helps ensure the OAIC complies with work health and safety legislative standards and requirements, and make sure workplace inspections are carried out. In 2023–24 the committee's activities included training for health and safety representatives and new first aid officers and fire wardens.

### Social Committee

The Social Committee explores and delivers creative initiatives to socially unify people across the agency through a mix of in-person and online events. In 2023–24, this included the Coffee Roulette social coffee program, a book club, run club and steps challenge, as well as social netball (for the NSW members).

# Procurement

During this reporting period, we complied with the Commonwealth Procurement Rules (CPRs), the OAIC's Accountable Authority Instructions (AAIs), the PGPA Act and the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule), which provides the framework for decisions concerning the purchase of goods and services.

We encouraged competition, sought to achieve value-for-money outcomes and applied transparency and accountability in our decision-making.

All procurement was conducted to ensure the efficient, effective, economical and ethical use of Australian Government resources.

## Consultants

### Consultancy and non-consultancy contract expenditure reporting

Annual reports contain information about actual expenditure on reportable consultancy and non-consultancy contracts. Information on the value of reportable consultancy and non-consultancy contracts is available on the AusTender website.

Decisions to engage consultants during 2023–24 were made in accordance with the PGPA Act and related regulations, including the CPRs and relevant internal policies.

In most instances the OAIC selected consultants through coordinated panel arrangements.

We engaged consultants where we lacked specialist expertise or when independent research, review or assessment was required. Typically, we engaged consultants to:

- carry out defined reviews or evaluations
- provide research, independent advice, information or solutions to assist with our decision making.

During 2023–24, 5 new reportable consultancy contracts were entered into involving total actual expenditure of \$1,040,794. In addition, 1 ongoing reportable consultancy contract was active during the period, involving total actual expenditure of \$52,294.

The OAIC entered into 40 new reportable non-consultancy contracts involving actual expenditure of \$1,993,429. In addition, 21 ongoing reportable non-consultancy contracts were active during the period, involving total actual expenditure of \$2,683,472.

**Table 3: Expenditure on reportable consultancy contracts**

Reportable consultancy contracts 2023–24	Number	Expenditure \$'000 (GST inc.)
New contracts entered into during the reporting period	5	1,041
Ongoing contracts entered into during a previous reporting period	1	52
<b>Total</b>	<b>6</b>	<b>1,093</b>

**Table 4: Expenditure on reportable non-consultancy contracts**

Reportable non-consultancy contracts 2023–24	Number	Expenditure \$'000 (GST inc.)
New contracts entered into during the reporting period	40	1,993
Ongoing contracts entered into during a previous reporting period	21	2,683
<b>Total</b>	<b>61</b>	<b>4,676</b>

**Table 5: Organisations receiving 5 largest shares of reportable consultancy contract expenditure**

Name of organisation	Organisation ABN	Expenditure \$'000 (GST inc.)
Nous Group Pty Ltd	66 086 210 344	941
Orima Research Pty Ltd	77 076 347 914	100
Lonergan Research Pty Ltd	34 138 789 401	52

**Table 6: Organisations receiving 5 largest shares of reportable non-consultancy contract expenditure**

Name of organisation	Organisation ABN	Expenditure \$'000 (GST inc.)
Department of Employment and Workplace Relations	96 584 957 427	1,368
Department of Finance	61 970 632 495	736
Resolve Software Group Pty Ltd	87 063 320 696	328
Ventia Property Pty Ltd	16 618 028 676	323
HWL Ebsworth Lawyers	37 246 549 189	206

## Australian National Audit Office access clauses

The OAIC did not enter into any contracts of \$100,000 or more (inclusive of GST) that did not include provisions allowing the Auditor-General to have access to contractor premises.

## Exempt contracts

During 2023–24, no OAIC contracts or standing offers were exempt from publication on AusTender on the basis that publication would disclose exempt matters under the FOI Act.

## Small business

The OAIC supports small business participation in the Commonwealth Government procurement market. Small and medium enterprises (SMEs) and small enterprise participation statistics are available on the Department of Finance's website.

We do this by providing opportunities wherever possible and engaging with small businesses where appropriate during our work.

The OAIC recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business (Pay On-Time Survey) are available on the [Treasury's website](#).

## Other requirements

### Advertising and market research

We did not conduct advertising that meets the threshold of a campaign.

### Disability reporting

*Australia's Disability Strategy 2021–2031* is the overarching framework for inclusive policies, programs and infrastructure that will support people with disability to participate in all areas of Australian life.

The strategy sets out where practical changes will be made to improve the lives of people with disability. It is intended to ensure the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into Australian policies and programs that affect people with disability, their families and carers.

All levels of government have committed to deliver more comprehensive and visible reporting under the strategy. A range of reports on progress of the strategy's actions and outcome areas will be published and available at <https://www.disabilitygateway.gov.au/ads>.

Disability reporting is included in the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available at <http://www.apsc.gov.au>.

The OAIC is committed to diversity and inclusion, and reducing barriers for current and future staff with disability. At 30 June 2024, 2% of our workforce identified as people living with disability.

### Grants

The OAIC did not award any grants in 2023–24.

### Information Publication Scheme

As required by the FOI Act, we have an Information Publication Scheme section on our website that provides information on our structure, functions, appointments, annual reports, consultation arrangements and FOI officer. It also includes information we routinely release through FOI requests and provide to the Australian Parliament. You can find it at <https://www.oaic.gov.au/about-the-OAIC/access-our-information/our-information-publication-scheme>.

### Memorandums of understanding

The OAIC has a range of financial memorandums of understanding (MOUs). For more information on financial MOUs, see Appendix D. We also have several non-financial MOUs. These are generally for information sharing and are [available on our website](#).

### Ecologically sustainable development and environment performance

Section 516A of the *Environment Protection and Biodiversity Conservation Act 1999* requires us to report on how our activities accord with the principles of ecologically sustainable development. Our role and activities do not directly link with the principles of ecologically sustainable development or impact on the environment, other than through our business operations regarding the consumption of resources required to sustain our operations. We use energy saving methods in the OAIC's operation and endeavour to make the best use of resources.

## Australian Public Service Net Zero 2030

APS Net Zero 2030 is the Government's policy for the Australian Public Service (APS) to reduce its greenhouse gas emissions to net zero by 2030, and transparently report on its emissions. As part of the Net Zero in Government Operations Strategy,<sup>1</sup> the OAIC is required to report on its operational greenhouse gas emissions.

The Greenhouse Gas Emissions Inventory presents greenhouse gas emissions over the 2023–24 period. Results are presented based on carbon dioxide equivalent (CO<sub>2</sub>-e) emissions. Greenhouse gas emissions have been calculated in line with the APS Net Zero Emissions Reporting Framework,<sup>2</sup> consistent with the whole-of-Australian Government approach as part of the APS Net Zero 2030 policy. The tables reflect available data.

**Table 7: Greenhouse gas emissions inventory (location-based approach)**

Emission Source	Scope 1 t CO <sub>2</sub> -e	Scope 2 t CO <sub>2</sub> -e	Scope 3 t CO <sub>2</sub> -e	Total t CO <sub>2</sub> -e
Electricity (location-based approach)	N/A	32.755	2.613	35.369
Natural gas	0.000	N/A	0.000	0.000
Solid waste*	N/A	N/A	0.000	0.000
Refrigerants*†	0.000	N/A	N/A	0.000
Fleet and other vehicles	0.000	N/A	0.000	0.000
Domestic commercial flights	N/A	N/A	81.943	81.943
Domestic hire car*	N/A	N/A	0.000	0.000
Domestic travel accommodation*	N/A	N/A	36.687	36.687
Other energy	0.000	N/A	0.000	0.000
<b>Total t CO<sub>2</sub>-e</b>	0.000	32.755	121.243	153.998

Note: the table above presents emissions related to electricity usage using the location-based accounting method. CO<sub>2</sub>-e = Carbon Dioxide Equivalent.

\* Indicates emission sources collected for the first time in 2023–24. The quality of data is expected to improve over time as emissions reporting matures.

† Indicates optional emission source for 2023–24 emissions reporting.

<sup>1</sup> <https://www.finance.gov.au/government/climate-action-government-operations/aps-net-zero-emissions-2030>

<sup>2</sup> <https://www.finance.gov.au/government/climate-action-government-operations/commonwealth-emission-reporting/australian-public-service-net-zero-emissions-reporting-framework>

**Table 8: Electricity greenhouse gas emissions**

Emission Source	Scope 2 t CO <sub>2</sub> -e	Scope 3 t CO <sub>2</sub> -e	Total t CO <sub>2</sub> -e	Percentage of electricity use
Electricity (location-based approach)	32.755	2.613	35.369	100%
Market-based electricity emissions	31.863	3.934	35.797	81.28%
Total renewable electricity	–	–	–	18.72%
<i>Mandatory renewables<sup>1</sup></i>	–	AA–	–	18.72%
<i>Voluntary renewables<sup>2</sup></i>	–	–	–	0.00%

Note: the table above presents emissions related to electricity usage using both the location-based and the market-based accounting methods. CO<sub>2</sub>-e = Carbon Dioxide Equivalent.

<sup>1</sup> Mandatory renewables are the portion of electricity consumed from the grid that is generated by renewable sources. This includes the renewable power percentage.

<sup>2</sup> Voluntary renewables reflect the eligible carbon credit units surrendered by the entity. This may include purchased large-scale generation certificates, power purchasing agreements, GreenPower and the jurisdictional renewable power percentage (ACT only).





# Part 4

## Financial statements

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## INDEPENDENT AUDITOR'S REPORT

### To the Attorney-General

#### Opinion

In my opinion, the financial statements of the Office of the Australian Information Commissioner (the Entity) for the year ended 30 June 2024:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the Public Governance, Performance and Accountability (Financial Reporting) Rule 2015; and
- (b) present fairly the financial position of the Entity as at 30 June 2024 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2024 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to the financial statements, comprising a summary of significant accounting policies and other explanatory information.

#### Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Australian Information Commissioner is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The Accountable Authority is also responsible for such internal control as the Accountable Authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accountable Authority is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Accountable Authority is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

## **Auditor's responsibilities for the audit of the financial statements**

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office

A handwritten signature in black ink, appearing to read 'Saminda Maddumahewa', written over a horizontal line.

Saminda Maddumahewa

Delegate of the Auditor-General

Canberra

16 August 2024



## Statement by the accountable authority and chief financial officer

In our opinion, the attached financial statements for the year ended 30 June 2024 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

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

**Angelene Falk**  
Australian Information Commissioner  
15 August 2024

**Simon Crone**  
Chief Financial Officer  
15 August 2024

# Statement of Comprehensive Income

for the year ended 30 June 2024

		2024	2023	Original budget
	Notes	\$'000	\$'000	\$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits	1.1A	27,398	20,246	24,436
Suppliers	1.1B	14,602	11,885	22,727
Depreciation and amortisation	2.2A	1,621	1,533	1,454
Finance costs	1.1C	11	16	11
Write-down and impairment of other assets	1.1D	-	7	-
Other expenses	1.1E	133	22	-
<b>Total expenses</b>		<b>43,765</b>	33,709	48,628
<b>Own-source revenue</b>				
Revenue from contracts with customers	1.2A	158	253	178
Other revenue	1.2B	205	74	-
<b>Total own-source revenue</b>		<b>363</b>	327	178
<b>Gains</b>				
Other gains	1.2C	-	32	33
<b>Total gains</b>		<b>-</b>	32	33
<b>Total own-source income</b>		<b>363</b>	359	211
<b>Net cost of services</b>		<b>(43,402)</b>	(33,350)	(48,417)
Revenue from Government	1.2D	47,907	29,641	47,907
<b>Surplus/(deficit) before income tax on continuing operations</b>		<b>4,505</b>	(3,709)	(510)
<b>Surplus/(deficit) after income tax on continuing operations</b>		<b>4,505</b>	(3,709)	(510)
<b>Total comprehensive income/(loss)</b>		<b>4,505</b>	<b>(3,709)</b>	<b>(510)</b>

The above statement should be read in conjunction with the accompanying notes.

## Budget variances commentary

The OAIC recorded a surplus from operations for the financial year ended 30 June 2024 of \$4.505M compared to an original budgeted deficit of \$0.510M.

The variance is reflected in both employee benefits and suppliers. The individual variances for these line items are in part a reflection of the timing of the original budget included in the Portfolio Budget Statements, which were completed prior to the finalisation of the internal operating budget.

The overall variance reflects in part the considered decision to post a surplus to partly recover the prior year deficit and move towards a return to positive net equity. The larger component is however the unused contingent litigation funding (which is carried over to 2024–25) which reflected the timing of major data breach matters entered the litigation phase much later than anticipated.

# Statement of Financial Position

as at 30 June 2024

		2024	2023	Original budget
	Notes	\$'000	\$'000	\$'000
<b>ASSETS</b>				
<b>Financial assets</b>				
Cash and cash equivalents	2.1A	5,480	3,087	3,068
Trade and other receivables	2.1B	6,835	2,271	2,271
<b>Total financial assets</b>		<b>12,315</b>	5,358	5,339
<b>Non-financial assets</b>				
Right of use	2.2A	1,635	2,570	1,635
Infrastructure, plant and equipment	2.2A	1,314	1,211	1,843
Computer software	2.2A	776	679	548
Other non-financial assets	2.2B	200	106	106
<b>Total non-financial assets</b>		<b>3,925</b>	4,566	4,132
<b>Total assets</b>		<b>16,240</b>	9,924	9,471
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	2.3A	2,271	2,315	2,315
Other payables	2.3B	799	614	611
<b>Total payables</b>		<b>3,070</b>	2,929	2,926
<b>Interest bearing liabilities</b>				
Leases	2.4A	1,732	2,686	1,742
<b>Total interest bearing liabilities</b>		<b>1,732</b>	2,686	1,742
<b>Provisions</b>				
Employee provisions	4.1A	6,793	5,169	5,171
<b>Total provisions</b>		<b>6,793</b>	5,169	5,171
<b>Total liabilities</b>		<b>11,595</b>	10,784	9,839
<b>Net assets</b>		<b>4,645</b>	(860)	(368)

		2024	2023	Original budget
	Notes	\$'000	\$'000	\$'000
<b>EQUITY</b>				
Contributed equity		7,053	6,053	7,053
Reserves		606	606	606
Retained surplus/(Accumulated deficit)		(3,014)	(7,519)	(8,027)
<b>Total equity</b>		<b>4,645</b>	(860)	(368)

The above statement should be read in conjunction with the accompanying notes.

### Budget variances commentary

While variances in assets and liabilities are to a degree driven by timing, for the year ended 30 June 2024 they are also significantly impacted by the unused appropriation for contingent litigation on major data breach matters which entered the litigation phase later than expected and an increase in the employee provisions resulting from the increase in the size of the OAIC.

The movement in equity reflects the operating surplus of \$4.5M which covers the prior year loss and returns the OAIC to a positive net equity.

# Statement of Changes in Equity

for the year ended 30 June 2024

	2024	2023	Original budget
	\$'000	\$'000	\$'000
<b>CONTRIBUTED EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	6,053	5,423	6,053
<b>Adjusted opening balance</b>	6,053	5,423	6,053
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Equity injection – appropriations	1,000	630	1,000
<b>Total transactions with owners</b>	1,000	630	1,000
<b>Closing balance as at 30 June</b>	7,053	6,053	7,053
<b>RETAINED EARNINGS</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	(7,519)	(3,810)	(7,517)
<b>Adjusted opening balance</b>	(7,519)	(3,810)	(7,517)
<b>Comprehensive income</b>			
Surplus/(Deficit) for the period	4,505	(3,709)	(510)
<b>Total comprehensive income</b>	4,505	(3,709)	(510)
<b>Closing balance as at 30 June</b>	(3,014)	(7,519)	(8,027)
<b>ASSET REVALUATION RESERVE</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	606	606	606
<b>Adjusted opening balance</b>	606	606	606
<b>Comprehensive income</b>			
Other comprehensive income	–	–	–
<b>Total comprehensive income</b>	–	–	–
<b>Closing balance as at 30 June</b>	606	606	606

	2024	2023	Original budget
	\$'000	\$'000	\$'000
<b>TOTAL EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	(860)	2,219	(858)
<b>Adjusted opening balance</b>	(860)	2,219	(858)
<b>Comprehensive income</b>			
Surplus/(Deficit) for the period	4,505	(3,709)	(510)
<b>Total comprehensive income</b>	4,505	(3,709)	(510)
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Equity injection – appropriations	1,000	630	1,000
<b>Total transactions with owners</b>	1,000	630	1,000
<b>Closing balance as at 30 June</b>	4,645	(860)	(368)

The above statement should be read in conjunction with the accompanying notes.

### Accounting policy

#### *Equity injections*

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and departmental capital budgets (DCBs) are recognised directly in contributed equity in that year.

### Budget variances commentary

The movement in equity reflects the operating surplus of \$4.5M which covers the prior year loss and returns the OAIC to a positive net equity.



# Cash Flow Statement

for the year ended 30 June 2024

		2024	2023	Original budget
	Notes	\$'000	\$'000	\$'000
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
Appropriations		46,612	32,325	47,907
Sale of goods and rendering of services		178	253	178
Net GST received		1,039	822	330
Other		1,203	229	-
<b>Total cash received</b>		<b>49,032</b>	33,629	48,415
<b>Cash used</b>				
Employees		(28,186)	(19,373)	(24,436)
Suppliers		(13,594)	(10,301)	(22,694)
Interest payments on lease liabilities		(11)	(16)	(11)
Section 74 receipts transferred to OPA		(2,563)	(1,660)	-
Net GST paid		(1,039)	(822)	(330)
<b>Total cash used</b>		<b>(45,393)</b>	(32,172)	(47,471)
<b>Net cash from/(used by) operating activities</b>		<b>3,639</b>	1,457	944
<b>INVESTING ACTIVITIES</b>				
<b>Cash received</b>				
Proceeds from sales of property, plant and equipment		-	32	-
<b>Total cash received</b>		-	32	-
<b>Cash used</b>				
Purchase of property, plant and equipment		(582)	(751)	(1,019)
Purchase of intangibles		(304)	(304)	-
<b>Total cash used</b>		<b>(886)</b>	(1,055)	(1,019)
<b>Net cash from/(used by) investing activities</b>		<b>(886)</b>	(1,023)	(1,019)

		2024	2023	Original budget
	Notes	\$'000	\$'000	\$'000
<b>FINANCING ACTIVITIES</b>				
<b>Cash received</b>				
Contributed equity		594	630	1,000
<b>Total cash received</b>		<b>594</b>	630	1,000
<b>Cash used</b>				
Principal payments of lease liabilities		(954)	(908)	(944)
<b>Total cash used</b>		<b>(954)</b>	(908)	(944)
<b>Net cash from/(used by) financing activities</b>		<b>(360)</b>	(278)	56
<b>Net increase/(decrease) in cash held</b>		<b>2,393</b>	156	(19)
Cash and cash equivalents at the beginning of the reporting period	21.A	3,087	2,931	3,087
Cash and cash equivalents at the end of the reporting period		5,480	3,087	3,068

The above statement should be read in conjunction with the accompanying notes.

#### Budget variances commentary

The variance in cash flows is a result of drawing down prior year appropriations to fund the operating deficit which reflects the operating surplus which was budgeted to recover previous year loss and restore OAIC solvency to acceptable level. It also reflects the increased inflows related to funded leave balances for staff transferring in from other areas of government.



# Overview

## Objectives of the Office of the Australian Information Commissioner

The Office of the Australian Information Commissioner (OAIC) is an Australian Government controlled entity established under the *Australian Information Commissioner Act 2010*.

The OAIC is structured to meet the following outcome:

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

The OAIC activities contributing toward this outcome are classified as departmental. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the OAIC in its own right.

The OAIC originally budgeted for a breakeven result (after adjustment for depreciation/amortisation funded through revenue appropriations of \$0.519M, depreciation/amortisation of ROU of \$0.935M and principal repayments on leased assets of \$0.944M) for the year ended 30 June 2024. The actual cash operating surplus was \$5.172M (after adjustment for depreciation/amortisation funded through revenue appropriations of \$0.686M, depreciation/amortisation of ROU of \$0.935M and principal repayments on leased assets of \$0.954M).

The overall variance reflects in part the considered decision to post a surplus to partly recover the prior year deficit and move towards a return to positive net equity. The larger component is however the unused contingent litigation funding (which is carried over to 2024–25) which reflected the timing of when the major data breach matters entered the litigation phase and the fact that certain major investigations remain ongoing.

## The Basis of Preparation

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

The financial statements have been prepared in accordance with:

- a) Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 (FRR); and
- b) Australian Accounting Standards and Interpretations – including simplified disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

## Going concern basis of accounting

The financial statements have been prepared on a going concern basis under the Australian Accounting Standards which assumes that the OAIC will realise assets and settle liabilities in the ordinary course of business, and amounts have been recognised on this basis. No adjustments have been made relating to the recoverability and classification of recorded asset amounts, nor to the amounts and classification of liabilities, that might be necessary should the OAIC not continue as a going concern.

The OAIC is an Australian Government entity established under the *Australian Information Commissioner Act 2010*. It would require legislative change to either cease or wind-up operations.

The OAIC made a cash operating surplus of \$5.172 million for the year ended 30 June 2024 (2022–23: deficit of \$3.084 million). As at 30 June 2024, the OAIC has accumulated losses of \$3.014 million (2022–23: \$7.519 million), net assets of \$4.645 million (2022–23: net liabilities \$0.860 million) and net current assets of \$7.275 million (2022–23: \$0.970 million). The balance of cash and equivalents as at 30 June 2024 was \$5.480 million (2022–23: \$3.087 million). The OAIC also has \$5.977 million of appropriation receivable as at 30 June 2024 (2022–23: \$1.713 million).

The OAIC future funding as outlined in the Budget 2024–25 Portfolio Budget Statements indicate that OAIC funding will reduce by \$11.115 million (23.2%) between 2023–24 and 2024–25 and a further \$12.522 million (34%) between 2024–25 and 2025–26. The reduction in funding predominantly relates to a series of terminating measures at the end of 2023–24 related to privacy, digital identity and the Optus data breach and terminating measures at the end of 2024–25 related to MyHeath Record, Consumer Data Right and contingent litigation funding. Funding in relation to each of these areas is expected to be considered as a part of the federal budget processes over the next 12 to 24 months.

The OAIC has prepared cashflow forecasts which indicate that it will have sufficient cash to fund its operations for at least 12 months from the date of signing these financial statements without additional funding and support other than that already included in the Budget 2024–25 Portfolio Budget Statements.

While the funding reductions noted above, could indicate that a material uncertainty exists that may cast significant doubt on the OAIC's ability to continue as a going concern, it is our opinion that due to the strong operating cash position and work being done on developing management budgets to manage the funding reductions and related adjustments to the operating model of the OAIC that we are confident that the OAIC will be able to continue as a going concern.

## Taxation

The entity is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

## Events after the reporting period

There are no known events after the reporting period that could have a material impact on the financial statements.

# Financial Performance

This section analyses the financial performance of the OAIC for the year ended 30 June 2024.

## 1.1 Expenses

	2024	2023
	\$'000	\$'000
<b>1.1A: Employee benefits</b>		
Wages and salaries	21,404	15,131
Superannuation		
Defined contribution plans	2,856	2,056
Defined benefit plans	723	527
Leave and other entitlements	2,326	2,389
Other employee expenses	89	143
<b>Total employee benefits</b>	<b>27,398</b>	<b>20,246</b>

### Accounting policy

Accounting policies for employee related expenses is contained in the People and relationships section.

	2024	2023
	\$'000	\$'000
<b>1.1B: Suppliers</b>		
<b>Goods and services supplied or rendered</b>		
Audit fees (paid)	88	88
Consultants	925	366
Contractors	576	1,703
Travel	594	341
ICT services	475	802
Communication	223	290
Legal	8,122	5,673
MOU	1,877	1,458
Property	318	317
Office services	176	146
Learning and development	256	215
Other	869	296
<b>Total goods and services supplied or rendered</b>	<b>14,499</b>	<b>11,695</b>
Goods supplied	58	82
Services rendered	14,525	11,613
<b>Total goods and services supplied or rendered</b>	<b>14,583</b>	<b>11,695</b>
<b>Other suppliers</b>		
Workers compensation expenses	45	33
Short-term leases	58	64
Low value leases	-	93
<b>Total other suppliers</b>	<b>103</b>	<b>190</b>
<b>Total suppliers</b>	<b>14,602</b>	<b>11,885</b>

The OAIC has short-term lease commitments of \$4,300 as at 30 June 2024 located at Ground Floor, 4 National Circuit, BARTON ACT 2600 which is on monthly basis.

### Accounting policy

#### *Short-term leases and leases of low-value assets*

The OAIC has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low-value assets (less than \$10,000 per asset). The entity recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.



	2024	2023
	\$'000	\$'000
<b>1.1C: Finance costs</b>		
Interest on lease liabilities	11	16
<b>Total finance costs</b>	<b>11</b>	16

The above lease disclosures should be read in conjunction with the accompanying notes 2.2 and 2.4A.

### Accounting policy

All borrowing costs are expensed as incurred.

	2024	2023
	\$'000	\$'000
<b>1.1D: Write-down and impairment of other assets</b>		
Write-down of property, plant and equipment	-	7
<b>Total write-down and impairment of other assets</b>	<b>-</b>	7
<b>1.1E: Other expenses</b>		
Settlement of litigation	127	17
Other – FBT expenses	6	5
<b>Total other expenses</b>	<b>133</b>	22

## 1.2 Own-source revenue and gains

	2024	2023
	\$'000	\$'000
<b>Own-source revenue</b>		
<b>1.2A: Revenue from contracts with customers</b>		
Rendering of services	158	253
<b>Total revenue from contracts with customers</b>	<b>158</b>	253
<b>Disaggregation of revenue from contracts with customers</b>		
Major product/service line:		
Privacy service	158	253
	<b>158</b>	253
Type of customer:		
Australian Government entities (related parties)	–	75
State and territory governments	158	178
	<b>158</b>	253
Timing of transfer of goods and services:		
Over time	158	253
	<b>158</b>	253

### Accounting policy

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.





	2024	2023
	\$'000	\$'000
<b>1.2B: Other revenue</b>		
Resources received free of charge		
Remuneration of auditors	36	36
Other revenue	169	38
<b>Total other revenue</b>	<b>205</b>	74

### Accounting policy

#### *Resources received free of charge*

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature.

	2024	2023
	\$'000	\$'000
<b>1.2C: Other gains</b>		
Gains arising from sale of assets	-	32
<b>Total other gains</b>	<b>-</b>	32

The above lease disclosure should be read in conjunction with the accompanying notes 1.1D and 2.2.

### Accounting policy

#### *Sale of assets*

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

	2024	2023
	\$'000	\$'000
<b>1.2D: Revenue from Government</b>		
Appropriations		
Departmental appropriations	<b>47,907</b>	29,641
<b>Total revenue from Government</b>	<b>47,907</b>	29,641

### Accounting policy

#### *Revenue from government*

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue from Government when the entity gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.



# Financial position

This section analyses the OAIC's assets used to conduct its operations and the operating liabilities incurred as a result.

Employee related information is disclosed in the People and relationships section.

## 2.1 Financial assets

	2024	2023
	\$'000	\$'000
<b>2.1A: Cash and cash equivalents</b>		
Cash on hand or on deposit	5,480	3,087
<b>Total cash and cash equivalents</b>	<b>5,480</b>	<b>3,087</b>

### Accounting policy

Cash is recognised at its nominal amount. Cash and cash equivalents includes cash on hand.

	2024	2023
	\$'000	\$'000
<b>2.1B: Trade and other receivables</b>		
<b>Appropriation receivables</b>		
Appropriation receivable	5,977	1,713
<b>Total appropriation receivables</b>	5,977	1,713
<b>Other receivables</b>		
GST receivables	97	106
Other receivables	761	452
<b>Total other receivables</b>	858	558
<b>Total trade and other receivables (gross)</b>	6,835	2,271
<b>Total trade and other receivables (net)</b>	6,835	2,271

Credit terms for goods and services were within 30 days (2023: 30 days).

### Accounting policy

#### *Financial assets*

Trade receivables, loans and other receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payments of principal and interest, that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

## 2.2 Non-Financial Assets

### 2.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles

	Right of use	Lease improvements	Computer, plant and equipment	Computer software	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>As at 1 July 2023</b>					
Gross book value	4,673	1,340	764	2,838	9,615
Accumulated depreciation, amortisation and impairment	(2,103)	(693)	(200)	(2,159)	(5,155)
<b>Total as at 1 July 2023</b>	2,570	647	564	679	4,460
<b>Adjusted total as at 1 July 2023</b>	2,570	647	564	679	4,460
Additions					
Purchase or internally developed	–	–	582	304	886
Depreciation and amortisation	–	(266)	(213)	(207)	(686)
Depreciation on right-of-use assets	(935)	–	–	–	(935)
<b>Total as at 30 June 2024</b>	1,635	381	933	776	3,725
<b>Total as at 30 June 2024 represented by</b>					
Gross book value	4,673	1,340	1,346	3,142	10,501
Accumulated depreciation, amortisation and impairment	(3,038)	(959)	(413)	(2,366)	(6,776)
<b>Total as at 30 June 2024</b>	1,635	381	933	776	3,725
Carrying amount of right-of-use assets	1,635	–	–	–	1,635

No property, plant and equipment and intangibles are expected to be sold or disposed of within the next 12 months.

#### Contractual commitments for the acquisition of property, plant, equipment and intangible assets

As at 30 June 2024, the OAIC's commitments include Intangible Asset of \$0.191M.

Reconciliation of the opening and closing balances of property, plant and equipment for 2023

	Right of use	Lease improvements	Computer, plant and equipment	Computer software	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>As at 1 July 2022</b>					
Gross book value	4,673	1,340	672	2,534	9,219
Accumulated depreciation, amortisation and impairment	(1,168)	(477)	(20)	(1,957)	(3,622)
<b>Total as at 1 July 2022</b>	3,505	863	652	577	5,597
<b>Additions</b>					
Purchase	–	–	99	304	403
Depreciation and amortisation	(935)	(216)	(180)	(202)	(1,533)
Disposals					
Other	–	–	(7)	–	(7)
<b>Total as at 30 June 2023</b>	2,570	647	564	679	4,460
<b>Total as at 30 June 2023 represented by</b>					
Gross book value	4,673	1,340	764	2,838	9,615
Accumulated depreciation, amortisation and impairment	(2,103)	(693)	(200)	(2,159)	(5,155)
<b>Total as at 30 June 2023</b>	2,570	647	564	679	4,460



## Accounting policy

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

### *Asset Recognition Threshold*

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$5,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the entity where there exists an obligation to restoration. These costs are included in the value of the OAIC's leasehold improvement with a corresponding provision for the 'make good' recognised.

### *Lease right-of-use (ROU) assets*

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

An impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and whole of government financial statements.

### *Revaluations*

Following initial recognition at cost, property, plant and equipment (excluding ROU assets) are carried at fair value (or an amount not materially different from fair value) less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

### *Depreciation*

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the entity using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	2023	2022
Leasehold improvements	Lease terms	Lease terms
Plant and equipment	4 to 10 years	4 to 10 years

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

#### *Impairment*

All assets were assessed for impairment at 30 June 2024. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the entity were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

#### *Derecognition*

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

#### *Intangibles*

The entity's intangibles comprise internally developed software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the entity's software are 2 to 5 years (2023: 2 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2024.

#### *Accounting judgements and estimates*

The OAIC last undertook an asset revaluation on 30 June 2022. Management has performed an assessment based on current indices and determined that prior year valuation does not differ materially to the fair value at year end because there has been no significant movements in the indices used in prior valuation. As the result, revaluation was not carried out as at 30 June 2024.

	2024	2023
	\$'000	\$'000
<b>2.2B: Other non-financial assets</b>		
Prepayments	200	106
<b>Total other non-financial assets</b>	<b>200</b>	<b>106</b>

No indicators of impairment were found for other non-financial assets.



## 2.3 Payables

	2024	2023
	\$'000	\$'000
<b>2.3A: Suppliers</b>		
Trade creditors and accruals	2,271	2,315
<b>Total suppliers</b>	<b>2,271</b>	2,315

Settlement terms for suppliers are within 20 days of the date of an official, correctly rendered supplier invoice.

	2024	2023
	\$'000	\$'000
<b>2.3B: Other payables</b>		
Salaries and wages	683	515
Superannuation	107	78
Other employee payables	8	16
Statutory payable	1	5
<b>Total other payables</b>	<b>799</b>	614

## 2.4 Interest bearing liabilities

	2024	2023
	\$'000	\$'000
<b>2.4A: Leases</b>		
Lease liabilities	1,732	2,686
<b>Total leases</b>	<b>1,732</b>	2,686
<b>Maturity analysis – contractual undiscounted cash flows</b>		
Within 1 year	993	954
Between 1 to 5 years	767	1,759
<b>Total leases</b>	<b>1,760</b>	2,713

Total cash outflow for leases for the year ended 30 June 2024 was \$0.965M (2023: \$0.924M).

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C and 2.2.

### Accounting policy

For all new contracts entered into, the OAIC considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

# Funding

This section identifies the OAIC funding structure.

## 3.1 Appropriations

### 3.1A: Annual appropriations ('recoverable GST exclusive')

#### Annual appropriations for 2024

	Annual appropriation	Adjustments to appropriation <sup>1</sup>	Total appropriation	Appropriation applied in 2024 (current and prior years)	Variance <sup>2</sup>
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Departmental</b>					
Ordinary annual services	47,907	1,524	49,431	(42,001)	7,430
Other services – equity injections	1,000	–	1,000	(1,774)	(774)
<b>Total departmental</b>	<b>48,907</b>	<b>1,524</b>	<b>50,431</b>	<b>(43,775)</b>	<b>6,656</b>

1. Adjustments to appropriations includes adjustments to current year annual appropriations including PGPA Act section 74 receipts.

2. Variance represents the application of current and previous years appropriation and own-source revenue.

#### Annual appropriations for 2023

	Annual appropriation	Adjustments to appropriation <sup>1</sup>	Total appropriation	Appropriation applied in 2023	Variance <sup>2</sup>
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Departmental</b>					
Ordinary annual services	29,641	838	30,479	(32,133)	(1,654)
Other services – equity injections	630	–	630	–	630
<b>Total departmental</b>	<b>30,271</b>	<b>838</b>	<b>31,109</b>	<b>(32,133)</b>	<b>(1,024)</b>

1. Adjustments to appropriations includes PGPA Act section 74 receipts.

2. Variance represents the application of current and previous years appropriation and own-source revenue.

### 3.1B: Unspent annual appropriations ('recoverable GST exclusive')

	2024	2023
	\$'000	\$'000
<b>Departmental</b>		
Cash or cash equivalent	5,480	3,087
Appropriation Act (No. 1) 2023–24 <sup>1</sup>	4,133	–
Appropriation Act (No. 3) 2023–24	1,437	–
Appropriation Act (No. 2) 2023–24	406	–
Appropriation Act (No. 2) 2022–23	–	500
Supply Act ( No. 2) 2022–23	–	98
Supply Act ( No. 4) 2022–23	–	32
Appropriation Act (No. 1) 2021–22	–	533
Appropriation Act (No. 4) 2021–22	–	550
<b>Total departmental</b>	<b>11,456</b>	<b>4,800</b>

1. Includes \$2.782M subject to administrative quarantine by Finance under section 51 of the PGPA Act.

### 3.2 Net cash appropriation arrangements

	2024	2023
	\$'000	\$'000
<b>Total comprehensive income/(loss) – as per the Statement of Comprehensive Income</b>	<b>4,505</b>	<b>(3,709)</b>
<b>Plus:</b> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) <sup>1</sup>	<b>686</b>	<b>598</b>
<b>Plus:</b> depreciation of right-of-use assets <sup>2</sup>	<b>935</b>	<b>935</b>
<b>Less:</b> lease principal repayments <sup>2</sup>	<b>(954)</b>	<b>(908)</b>
<b>Net cash operating surplus/(deficit)</b>	<b>5,172</b>	<b>(3,084)</b>

1. From 2010–11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses of non-corporate Commonwealth entities and selected corporate Commonwealth entities were replaced with a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

2. The inclusion of depreciation/amortisation expenses related to ROU leased assets and the lease liability principal repayment amount reflects the impact of AASB 16 Leases, which does not directly reflect a change in appropriation arrangements.

# People and relationships

This section describes a range of employment and post employment benefits provided to our people and our relationships with other key people.

## 4.1 Employee provisions

	2024	2023
	\$'000	\$'000
<b>4.1A: Employee provisions</b>		
Leave	6,793	5,169
<b>Total employee provisions</b>	<b>6,793</b>	5,169

### Accounting policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

#### Leave

The liability for employee benefits includes provision for annual leave and long service leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the entity's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2023. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

#### Superannuation

The entity's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), or the PSS accumulation plan (PSSap) or other superannuation funds held outside the Australian Government.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

The OAIC makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The entity accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions.

#### Accounting Judgements and Estimates

The long service leave has been estimated in accordance with the FRR taking into account expected salary growth, attrition and future discounting using the government bond rate.

## 4.2 Key management personnel remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the OAIC. The OAIC has determined the key management personnel to be the Australian Information Commissioner and Deputy Commissioner for the period 01.07.2023–15.04.2024; and to be the Australian Information Commissioner, Privacy Commissioner, Freedom of Information Commissioner and Deputy Commissioner for the period starting 16.04.2024; or individuals acting in those positions for a specified time.

	2024	2023
	\$'000	\$'000
Short-term employee benefits	1,195	783
Post-employment benefits	147	90
Other long-term employee benefits	56	54
<b>Total key management personnel remuneration expenses<sup>1</sup></b>	<b>1,398</b>	<b>927</b>

The total number of key management personnel that are included in the above table are 5 (2023: 2).

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the OAIC.



## 4.3 Related party disclosures

### Related party relationships

The parent entity to the OAIC is the Australian Government. The entity is an Australian Government controlled entity. Related parties to this entity are Key Management Personnel including the Portfolio Minister and Executive, and other Australian Government entities.

### Transactions with related parties

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher education loans. These transactions have not been separately disclosed in this note.

Significant transactions with related parties can include:

- the payments of grants or loans;
- purchases of goods and services;
- asset purchases, sales transfers or leases;
- debts forgiven; and
- guarantees.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed.

# Managing uncertainties

This section analyses how the OAIC manages financial risks within its operating environment.

## 5.1A: Contingent assets and liabilities

### Quantifiable contingent assets

As at 30 June 2024, the OAIC had no quantifiable contingent assets.

### Quantifiable contingent liabilities

As at 30 June 2024, the OAIC had no quantifiable contingent liabilities.

### Unquantifiable contingent assets

As at 30 June 2024, the OAIC had 17 unquantifiable contingent assets relating to matters before the court that are considered more likely than not to lead to costs in favour of the OAIC. It was not possible to estimate the amounts of any eventual payments that may be received in relation to these claims.

### Unquantifiable contingent liabilities

As at 30 June 2024, the OAIC had no unquantifiable contingent liabilities.

#### **Accounting policy**

Contingent liabilities and contingent assets are not recognised in the Statement of Financial Position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.



## 5.2 Financial Instruments

	2024	2023
	\$'000	\$'000
<b>5.2A: Categories of financial instruments</b>		
<b>Financial assets at amortised cost</b>		
Cash on hand or on deposit	5,480	3,087
<b>Total financial assets at amortised cost</b>	<b>5,480</b>	3,087
<b>Total financial assets</b>	<b>5,480</b>	3,087
<b>Financial Liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Trade creditors and accruals	2,271	2,315
<b>Total financial liabilities measured at amortised cost</b>	<b>2,271</b>	2,315
<b>Total financial liabilities</b>	<b>2,271</b>	2,315

### Accounting policy

#### *Financial assets*

In accordance with AASB 9 Financial Instruments, the entity classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss
- b) financial assets at fair value through other comprehensive income; and
- c) financial assets measured at amortised cost.

The classification depends on both the entity's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the entity becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Comparatives have not been restated on initial application.

#### *Financial assets at amortised cost*

Financial assets included in this category need to meet two criteria:

1. The financial asset is held in order to collect the contractual cash flows; and
2. The cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

*Effective interest method*

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

*Impairment of financial assets*

Financial assets are assessed for impairment at the end of each reporting period based on expected credit losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased, or an amount equal to *12-month expected credit losses* if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

**Financial liabilities**

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

*Financial liabilities at amortised cost*

Financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective interest basis.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

## 5.3 Fair Value Measurement

**Accounting policy**

The OAIC considers the fair value hierarchy levels at the end of the reporting period. There were no transfers in or out of any levels during the reporting period.

### 5.3A: Fair value measurement

	Fair value measurements at the end of the reporting period	
	2024	2023
	\$'000	\$'000
<b>Non-financial assets</b>		
Infrastructure, plant and equipment	<b>1,314</b>	1,211

The OAIC last undertook an asset revaluation on 30 June 2022. Management has performed an assessment based on current indices and determined that prior year valuation does not differ materially to the fair value at year end because there has been no significant movements in the indices used in prior valuation. As the result, revaluation was not carried out as at 30 June 2024.

## Other information

### 6.1 Current/non-current distinction for assets and liabilities

#### 6.1A: Current/non-current distinction for assets and liabilities

	2024	2023
	\$'000	\$'000
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Cash and cash equivalents	5,480	3,087
Trade and other receivables	761	452
Appropriation receivables	5,977	1,713
GST receivables	97	106
Prepayment	200	106
Right of use	935	935
Infrastructure, plant and equipment	663	453
Computer software	154	206
<b>Total no more than 12 months</b>	<b>14,267</b>	<b>7,058</b>
<b>More than 12 months</b>		
Right of use	700	1,635
Infrastructure, plant and equipment	651	758
Computer software	622	473
<b>Total more than 12 months</b>	<b>1,973</b>	<b>2,866</b>
<b>Total assets</b>	<b>16,240</b>	<b>9,924</b>



	2024	2023
	\$'000	\$'000
<b>Liabilities expected to be settled in:</b>		
<b>No more than 12 months</b>		
Suppliers	2,271	2,315
Salaries and wages	683	515
Superannuation	107	78
Employee provisions	2,935	2,205
Leases	987	954
Other payables	9	21
<b>Total no more than 12 months</b>	<b>6,992</b>	<b>6,088</b>
<b>More than 12 months</b>		
Leases	745	1,732
Employee provisions	3,858	2,964
<b>Total more than 12 months</b>	<b>4,603</b>	<b>4,696</b>
<b>Total liabilities</b>	<b>11,595</b>	<b>10,784</b>



## 5

# Part 5

## Appendices

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# Appendix A: Agency resource statement and resources for outcomes

**Table A.1: OAIC resource statement 2023–24**

	Current available appropriation \$'000	Payments made \$'000	Balance remaining \$'000
	(a)	(b)	(a) – (b)
<b>Departmental</b>			
Annual appropriations – ordinary annual services			
Prior year appropriations available – ordinary annual services (a)	3,620	3,620	–
Departmental appropriation (b)	46,649	38,381	8,268
Annual appropriations – other services – non-operating			
Prior year appropriations available – other services – non-operating (c)	1180	1180	–
Equity injection (d)	1000	594	406
<b>Total departmental annual appropriations</b>	52,449	43,775	8,674
<b>Total available annual appropriations and payments</b>	52,449	43,775	8,674
<b>Total resourcing and payments</b>	52,449	43,775	8,674
<b>Total net resourcing and payments for the OAIC</b>	52,449	43,775	8,674

All figures are Goods and Services Tax (GST) exclusive.

(a) *Appropriation Act (No. 1) 2021–22* and unspent cash or cash equivalents.

(b) *Appropriation Act (No. 1) 2023–24* and *Appropriation Act (No. 3) 2023–24*. Includes *Public Governance, Performance and Accountability Act 2013* (PGPA Act) s 74 retained receipts. Excludes \$2.782m subject to administrative quarantine by Finance under s 51 of the PGPA Act.

(c) *Appropriation Act (No. 2) 2022–23*, *Supply Act (No. 2) 2022–23*, *Supply Act (No. 4) 2022–23* and *Appropriation Act (No. 4) 2021–22*.

(d) *Appropriation Act (No. 2) 2023–24*.

Table A.2: OAIC resources for outcomes 2023–24

	Budget 2023–24 \$'000	Actual expenses 2023–24 \$'000	Variation 2023–24 \$'000
	(a)	(b)	(a) – (b)
<b>Outcome 1</b>			
Provision of public access to Commonwealth Government information, protection of individuals' personal information, and performance of Information Commissioner, freedom of information and privacy functions			
<b>Program 1.1</b>			
Complaint handling, compliance and monitoring, and education and promotion			
Departmental appropriation*	47,907	42,735	5,172
s 74 External revenue	178	327	-149
Expenses not requiring appropriation in the Budget year	543	703	-160
<b>Total for program 1.1</b>	<b>48,628</b>	<b>43,765</b>	<b>4,863</b>
<b>Total expenses for outcome 1</b>	<b>48,628</b>	<b>43,765</b>	<b>4,863</b>
	<b>2023–24</b>	<b>2023–24</b>	
<b>Average staffing level (number)</b>	<b>200</b>	<b>182</b>	<b>18</b>

\* Departmental appropriation combines ordinary annual services (*Appropriation Act No. 1 2023–24* and *Appropriation Act No. 3 2023–24*)



# Appendix B: Executive remuneration

## Key management personnel

The key management personnel (KMP) of the OAIC are determined based on the criteria set by the Department of Finance. The OAIC had previously determined that the KMP of the agency comprised the Australian Information Commissioner and Deputy Commissioner, or individuals acting in those positions for more than 2 weeks. This was changed during the 2023–24 financial year with the establishment of a new governance structure through the OAIC Governance Board on 16 April. Effective 16 April 2024, the KMP was changed to be the members of the OAIC Governance Board, being the Australian Information Commissioner, the Privacy Commissioner and the Freedom of Information Commissioner, as well as the Deputy Commissioner.

Angelene Falk held the position of Australian Information Commissioner for the duration of the reporting period. Angelene Falk, Elizabeth Tydd and Carly Kind were members of the Governance Board from 16 April 2024 to 30 June 2024 holding the positions of Australian Information Commissioner, Freedom of Information Commissioner and Privacy Commissioner respectively.

Elizabeth Hampton held the position of Deputy Commissioner for the period from 1 July 2023 to 30 June 2024, and Melanie Drayton acted as Deputy Commissioner for the period from 22 November 2023 to 30 June 2024.

Details of KMP remuneration are in Note 4.2 of the financial statements. Disaggregated information is shown in Table B.1 and is prepared in accordance with the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) and *Commonwealth entities executive remuneration reporting guide for annual reports (RMG 138)*.

## Senior Executive

At 30 June 2024, the OAIC had 10 Senior Executive Service (SES) positions: the Deputy Commissioner, Chief Operating Officer, Assistant Commissioner Dispute Resolution, Assistant Commissioner Regulation and Strategy, Assistant Commissioner Consumer Data Right, Assistant Commissioner Freedom of Information, Assistant Commissioner Major Investigation, Assistant Commissioner Digital ID Implementation, Assistant Commissioner Corporate and FOI Special Advisor. Six out of the 10 positions were occupied by temporary personnel.

## Remuneration policies and practices

In accordance with s 17 of the *Australian Information Commissioner Act 2010*, the Australian Information Commissioner's, Freedom of Information Commissioner's and Privacy's Commissioner's remunerations are set by the Remuneration Tribunal. The Remuneration Tribunal also determines increases to remuneration or allowances.

The OAIC's SES remuneration is determined by the Australian Information Commissioner under s 24(1) of the *Public Service Act 1999*. When determining SES remuneration, the Australian Information Commissioner has regard to the Australian Public Service Commission's remuneration reports and remuneration practices in comparable agencies.

SES determinations set out the salary on commencement and provide for increments in salary. To be eligible for an increase in salary, an SES officer must obtain an annual performance rating of effective or above, which aligns with the OAIC's performance management framework, Talking about performance.

**Table B.1: Information about remuneration for key management personnel<sup>1</sup>**

Name	Position	Short-term benefits			Post-employment benefits			Termination benefits	Total remuneration
		Base salary	Bonuses	Other benefits & allowances	Superannuation contributions	Long service leave	Other long term benefits		
Angelene Falk	Information Commissioner	502,675	-	-	48,540	24,959	-	-	576,174
Elizabeth Hampton	Deputy Commissioner	309,173	-	-	55,113	15,805	-	-	380,091
Melanie Drayton	Acting Deputy Commissioner	172,258	-	-	29,636	7,020	-	-	208,914
Elizabeth Tydd	Freedom of Information Commissioner	110,133	-	-	7,358	6,199	-	-	123,690
Carly Kind	Privacy Commissioner	100,923	-	-	6,776	1,671	-	-	109,370
<b>Total</b>		<b>1,195,162</b>	-	-	<b>147,423</b>	<b>55,654</b>	-	-	<b>1,398,239</b>

<sup>1</sup> The KMP remuneration includes all remuneration and leave expenditure on an accruals basis, and the changes in accrued annual and long service leave. It also includes a back-pay adjustment to remuneration for 2022-23.

Table B.2: Information about remuneration for senior executives

Remuneration band	Number of senior executives	Short-term benefits			Post-employment benefits		Other long-term benefits			Termination benefits	Total remuneration
		Average base salary <sup>2</sup>	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits	Average total remuneration			
\$0–\$220,000	10	67,335	–	–	10,091	2,863	–	–	–	80,290	
\$220,001–\$245,000	1	185,095	–	–	26,846	15,183	–	–	–	227,124	
\$245,001–\$270,000	1	211,409	–	–	32,620	8,506	–	–	–	252,535	
\$270,001–\$295,000	2	234,311	–	–	35,527	14,323	–	–	–	284,161	
\$295,001–\$320,000	1	215,736	–	–	45,570	34,955	–	–	–	296,261	
\$320,001–\$345,000	–	–	–	–	–	–	–	–	–	–	
\$345,001–\$370,000	–	–	–	–	–	–	–	–	–	–	
\$370,001–\$395,000	–	–	–	–	–	–	–	–	–	–	
\$395,001–\$420,000	–	–	–	–	–	–	–	–	–	–	

<sup>2</sup> Base salary includes salary paid and accrued, salary paid while on annual leave, salary paid while on personal leave plus the net movement in the annual leave balance.

**Table B.3 Details of accountable authority during the reporting period**

Period as the accountable authority or member within the reporting period			
Name	Position title/position held	Start date	End date
<b>Angelene Falk*</b>	Australian Information Commissioner	1 July 2023	30 June 2024

\* Angelene Falk was appointed by the Governor-General to the roles of Australian Information Commissioner and Privacy Commissioner on 16 August 2018. On 6 August 2021, she was reappointed for a second 3-year term, from 16 August 2021 to 15 August 2024. Elizabeth Tydd commenced as the Information Commissioner from 16 August and so is the accountable authority listed for those parts of this annual report completed after that date.

## Appendix C: Workforce statistics

This appendix includes the OAIC's workforce statistics on staffing numbers, employment type, classifications, gender, location and diversity.<sup>1</sup>

**Table C.1: All ongoing employees (30 June 2024)**

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	34	2	36	58	18	76	-	-	-	-	-	-	-	-	-	112
Qld	4	-	4	9	5	14	-	-	-	-	-	-	-	-	-	18
SA	2	1	3	15	1	16	-	-	-	-	-	-	-	-	-	19
Tas	-	-	-	1	1	2	-	-	-	-	-	-	-	-	-	2
Vic	3	-	3	18	2	20	-	-	-	-	-	-	-	-	-	23
WA	-	-	-	4	-	4	-	-	-	-	-	-	-	-	-	4
ACT	3	1	4	12	1	13	-	-	-	-	-	-	-	-	-	17
NT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
External territories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>46</b>	<b>4</b>	<b>50</b>	<b>117</b>	<b>28</b>	<b>145</b>	-	-	-	-	-	-	-	-	-	<b>195</b>

<sup>1</sup> Totals of 'employees' and 'APS employees' differ, as the 'employee' tables include statutory appointments.

Table C.2: All ongoing employees (30 June 2023)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	29	2	31	53	16	69	-	-	-	-	-	-	-	-	-	100
Qld	2	-	2	7	6	13	-	-	-	-	-	-	-	-	-	15
SA	-	-	-	9	2	11	-	-	-	-	-	-	-	-	-	11
Tas	1	-	1	1	1	2	-	-	-	-	-	-	-	-	-	3
Vic	4	-	4	12	3	15	-	-	-	-	-	-	-	-	-	19
WA	1	-	1	2	1	3	-	-	-	-	-	-	-	-	-	4
ACT	-	1	1	5	2	7	-	-	-	-	-	-	-	-	-	8
NT	1	-	1	1	-	1	-	-	-	-	-	-	-	-	-	2
External territories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>38</b>	<b>3</b>	<b>41</b>	<b>90</b>	<b>31</b>	<b>121</b>	-	-	-	-	-	-	-	-	-	<b>162</b>

Table C.3: All non-ongoing employees (30 June 2024)<sup>2</sup>

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	2	2	4	8	5	13	-	-	-	-	-	-	-	-	-	17
Qld	-	-	-	-	2	2	-	-	-	-	-	-	-	-	-	2
SA	-	-	-	1	1	2	-	-	-	-	-	-	-	-	-	2
Tas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vic	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1
WA	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
ACT	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	1
NT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
External territories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>10</b>	<b>8</b>	<b>18</b>	-	-	-	-	-	-	-	-	-	<b>24</b>

<sup>2</sup> Non-ongoing tables exclude casuals.

Table C.4: All non-ongoing employees (30 June 2023)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	2	1	3	2	2	4	-	-	-	-	-	-	-	-	-	7
Qld	-	-	-	2	3	5	-	-	-	-	-	-	-	-	-	5
SA	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
Tas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vic	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
WA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ACT	-	-	-	1	1	2	-	-	-	-	-	-	-	-	-	2
NT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
External territories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>6</b>	<b>6</b>	<b>12</b>	-	-	-	-	-	-	-	-	-	<b>15</b>



**Table C.5: Australian Public Service Act ongoing employees (30 June 2024)**

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	2	-	2	-	-	-	-	-	-	-	-	-	2
SES 1	2	-	2	3	1	4	-	-	-	-	-	-	-	-	-	6
EL 2	12	-	12	19	5	24	-	-	-	-	-	-	-	-	-	36
EL 1	15	2	17	36	9	45	-	-	-	-	-	-	-	-	-	62
APS 6	10	1	11	38	12	50	-	-	-	-	-	-	-	-	-	61
APS 5	5	-	5	14	1	15	-	-	-	-	-	-	-	-	-	20
APS 4	2	1	3	5	-	5	-	-	-	-	-	-	-	-	-	8
APS 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>46</b>	<b>4</b>	<b>50</b>	<b>117</b>	<b>28</b>	<b>145</b>	-	-	-	-	-	-	-	-	-	<b>195</b>

Table C.6: Australian Public Service Act ongoing employees (30 June 2023)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
SES 1	2	-	2	4	1	5	-	-	-	-	-	-	-	-	-	7
EL 2	6	-	6	15	7	22	-	-	-	-	-	-	-	-	-	28
EL 1	12	1	13	25	10	35	-	-	-	-	-	-	-	-	-	48
APS 6	8	1	9	30	10	40	-	-	-	-	-	-	-	-	-	49
APS 5	6	1	7	13	3	16	-	-	-	-	-	-	-	-	-	23
APS 4	4	-	4	1	-	1	-	-	-	-	-	-	-	-	-	5
APS 3	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
APS 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>38</b>	<b>3</b>	<b>41</b>	<b>90</b>	<b>31</b>	<b>121</b>	-	-	-	-	-	-	-	-	-	<b>162</b>

**Table C.7: Australian Public Service Act non-ongoing employees (30 June 2024)**

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 1	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1
EL 2	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	1
EL 1	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
APS 6	-	-	-	2	2	4	-	-	-	-	-	-	-	-	-	4
APS 5	1	-	1	3	1	4	-	-	-	-	-	-	-	-	-	5
APS 4	1	-	1	1	-	1	-	-	-	-	-	-	-	-	-	2
APS 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 2	-	2	2	-	5	5	-	-	-	-	-	-	-	-	-	7
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>15</b>	-	-	-	-	-	-	-	-	-	<b>21</b>

**Table C.8: Australian Public Service Act non-ongoing employees (30 June 2023)**

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EL 2	1	1	2	-	-	-	-	-	-	-	-	-	-	-	-	2
EL 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 6	-	-	-	1	1	2	-	-	-	-	-	-	-	-	-	2
APS 5	1	-	1	1	1	2	-	-	-	-	-	-	-	-	-	3
APS 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 3	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
APS 2	-	-	-	1	4	5	-	-	-	-	-	-	-	-	-	5
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>10</b>	-	-	-	-	-	-	-	-	-	<b>13</b>

**Table C.9: Australian Public Service Act employees by full-time and part-time status (30 June 2024)**

	Ongoing			Non-Ongoing			Total
	Full time	Part time	Total ongoing	Full time	Part time	Total non-ongoing	
SES 3	-	-	-	-	-	-	-
SES 2	2	-	2	-	-	-	2
SES 1	5	1	6	1	-	1	7
EL 2	31	5	36	-	1	1	37
EL 1	51	11	62	1	-	1	63
APS 6	48	13	61	2	2	4	65
APS 5	19	1	20	4	1	5	25
APS 4	7	1	8	2	-	2	10
APS 3	-	-	-	-	-	-	-
APS 2	-	-	-	-	7	7	7
APS 1	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-
<b>Total</b>	<b>163</b>	<b>32</b>	<b>195</b>	<b>10</b>	<b>11</b>	<b>21</b>	<b>216</b>

Table C.10: Australian Public Service Act employees by full-time and part-time status (30 June 2023)

	Ongoing			Non-ongoing			Total
	Full time	Part time	Total ongoing	Full time	Part time	Total non-ongoing	
SES 3	-	-	-	-	-	-	-
SES 2	1	-	1	-	-	-	1
SES 1	6	1	7	-	-	-	7
EL 2	21	7	28	1	1	2	30
EL 1	37	11	48	-	-	-	48
APS 6	38	11	49	1	1	2	51
APS 5	19	4	23	2	1	3	26
APS 4	5	-	5	-	-	-	5
APS 3	1	-	1	1	-	1	2
APS 2	-	-	-	1	4	5	5
APS 1	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-
<b>Total</b>	<b>128</b>	<b>34</b>	<b>162</b>	<b>6</b>	<b>7</b>	<b>13</b>	<b>175</b>

**Table C.11: Australian Public Service Act employment type by location (30 June 2024)**

	Ongoing	Non-ongoing	Total
NSW	112	14	126
Qld	18	2	20
SA	19	2	21
Tas	2	–	2
Vic	23	1	24
WA	4	1	5
ACT	17	1	18
NT	–	–	–
External territories	–	–	–
Overseas	–	–	–
<b>Total</b>	<b>195</b>	<b>21</b>	<b>216</b>

**Table C.12: Australian Public Service Act employment type by location (30 June 2023)**

	Ongoing	Non-ongoing	Total
NSW	100	6	106
Qld	15	5	20
SA	11	1	12
Tas	3	–	3
Vic	19	–	19
WA	4	–	4
ACT	8	1	9
NT	2	–	2
External territories	–	–	–
Overseas	–	–	–
<b>Total</b>	<b>162</b>	<b>13</b>	<b>175</b>

**Table C.13: Australian Public Service Act Indigenous employment (30 June 2024 and 30 June 2023)**

	30 June 2024	30 June 2023
Ongoing	2	2
Non-ongoing	–	–
<b>Total</b>	<b>2</b>	<b>2</b>

**Table C.14: Australian Public Service Act employment arrangements: current report period (2023–24)**

	SES	Non-SES	Total
OAIC Enterprise Agreement 2024–2027	–	187	187
SES Determinations made under Public Service Act 1999 s 24(1)	8	–	8
<b>Total</b>	<b>8</b>	<b>187</b>	<b>195</b>

**Table C.15: Australian Public Service Act employment salary ranges by classification level (minimum/maximum) (2023–24)**

	Minimum salary (\$)	Maximum salary (\$)
SES 3	–	–
SES 2	261,178	293,818
SES 1	205,561	233,590
EL 2	136,682	155,988
EL 1	117,674	125,876
APS 6	93,372	102,821
APS 5	84,677	89,520
APS 4	75,954	80,704
APS 3	66,048	71,286
APS 2	59,582	64,304
APS 1	52,164	58,096
Other	–	–
<b>Minimum/Maximum range</b>	<b>52,164</b>	<b>293,818</b>





## Appendix D: Memorandums of understanding

### Australian Capital Territory Government

Under a memorandum of understanding (MOU) with the Australian Capital Territory (ACT) Government, the OAIC provided privacy services to ACT public sector agencies in relation to the *Information Privacy Act 2014* (ACT). These services included:

- responding to privacy complaints and enquiries about ACT public sector agencies
- providing policy and legislation advice and guidance
- providing advice on data breach notifications, where applicable
- carrying out privacy assessments.

The OAIC earned \$157,500 (GST exclusive) for these services from the ACT Government in 2023–24, up to 22 April 2024 when we ceased providing services under this arrangement.

For further information on our activities under this MOU, see the *MOU with the ACT Government for privacy services* on our website.

### Department of Finance Service Delivery Office

The OAIC transitioned our payroll and finance services to the Service Delivery Office (SDO) in May 2022. Under this MOU, the SDO provides the OAIC with transactional finance and human resources shared services. The OAIC paid \$7014,281 (GST not applicable) for the consumed service charges 2023–24.

### Department of Employment and Workplace Relations

The OAIC transitioned our information and communication technology services to the Department of Education, Skills and Employment (DESE) in May 2022. Effective 1 July 2022, the services were transferred to a new entity the Department of Employment and Workplace Relations (DEWR). The OAIC paid DEWR a service fee of \$1,172,926 (GST not applicable) for the period of 2023–24. This fee was in addition to purchased hardware and other installation fees during the year.

# Appendix E: Agency Freedom of Information statistics

## About this data

The freedom of information (FOI) statistics appendix contains information on:

- FOI requests for access to documents
- applications for amendment of personal records
- charges
- disclosure logs
- review of FOI decisions
- complaints about agency FOI actions
- the impact of FOI on agency resources
- the impact of the Information Publication Scheme (IPS) on agency resources.

This appendix has been prepared using data collected from Australian Government agencies and ministers subject to the *Freedom of Information Act 1982* (FOI Act), and separately from the Administrative Appeals Tribunal (AAT) and records of the Office of the Australian Information Commissioner (OAIC). Australian Government agencies and ministers are required to provide, among other details, information about:

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

The data given by ministers and agencies for the preparation of this appendix is published on [data.gov.au](http://data.gov.au).

The term 'FOI request' means a request for access to documents made under s 15 of the FOI Act.

Applications for amendment or annotation of personal records under s 48 are dealt with separately below.

The *FOI Statistics Guide*, which is issued by the OAIC to help agencies complete their FOI statistical returns, defines a request for personal information as a request in which personal information is the predominant type of information sought. For this purpose, 'personal information' includes both an applicant's own personal information and information about other individuals.

'Personal information' is defined in s 4(1) of the FOI Act by reference to the definition in the *Privacy Act 1988*. In summary, 'personal information' means information or an opinion about an identified individual or an individual who is reasonably identifiable.

A request for 'other' (non-personal) information means a request for all other documents, such as documents concerning policy development or government decision making.

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

## Number of requests received

Table E.1 compares the number of FOI requests received in each of the past 7 reporting years, including the percentage increase or decrease from the previous financial year. The number of FOI requests made to Australian Government agencies and ministers in 2023–24 was slightly higher than in 2022–23.

Table E.2 ranks the top 20 Australian Government agencies in terms of the number of FOI requests received in 2023–24, and compares them with the number of requests those agencies received in 2022–23.

**Table E.1: FOI requests received over the past 7 years**

	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24
Number of FOI requests received	34,438	38,879	41,333	34,797	34,236	34,219 <sup>1</sup>	34,706
% change from previous financial year	-13	+13	+6	-16	-2	<0.5	+1

<sup>1</sup> Last year's annual report listed 34,225 FOI requests in 2022–23. This should have been 34,219.

Table E.2: Agencies by the number of FOI requests received

Agency	2022-23						2023-24									
	Rank*	Personal	Other	Total	% of all FOI requests	Rank	Personal	Other	Total	% of all FOI requests	Rank	Personal	Other	Total	% change in total	
																Change in total
Department of Home Affairs	1	11,334	1,761	13,095	38	1	11,297	605	11,902	34	1	11,297	605	11,902	-1,193	-9
Services Australia	2	4,868	269	5,137	15	2	4,469	281	4,750	14	2	4,469	281	4,750	-387	-8
Administrative Appeals Tribunal (AAT)	5	1,528	43	1,571	5	3	1,895	47	1,942	6	3	1,895	47	1,942	371	24
Department of Veterans' Affairs (DVA)	4	1,450	146	1,596	5	4	1,609	197	1,806	5	4	1,609	197	1,806	210	13
National Disability Insurance Agency (NDIA)	3	1,556	196	1,752	5	5	1,125	256	1,381	4	5	1,125	256	1,381	-371	-21
Department of Defence (Defence)	7	278	552	830	2	6	261	728	989	3	6	261	728	989	159	19
Australian Taxation Office (ATO)	6	921	206	1,127	3	7	677	247	924	3	7	677	247	924	-203	-18
Australian Federal Police (AFP)	8	509	173	682	2	8	512	200	712	2	8	512	200	712	30	4
Department of Health and Aged Care	10	73	451	524	2	9	85	520	605	2	9	85	520	605	81	15
Office of the eSafety Commissioner (eSafety)	67	0	24	24	0	10	520	53	573	2	10	520	53	573	549	2,288
Australian Transaction Reports and Analysis Centre (AUSTRAC)	12	247	156	403	1	11	331	206	537	2	11	331	206	537	134	33
Department of Foreign Affairs and Trade (DFAT)	13	163	212	375	1	12	192	312	504	1	12	192	312	504	129	34
Office of the Australian Information Commissioner (OAIC)	15	157	157	314	1	13	334	164	498	1	13	334	164	498	184	59

Agency	2022-23					2023-24						
	Rank*	Personal	Other	Total	% of all FOI requests	Rank	Personal	Other	Total	% of all FOI requests	Change in total	% change in total
Attorney-General's Department (AGD)	11	72	354	426	1	14	101	337	438	1	12	3
Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)	16	7	247	254	1	15	9	347	356	1	102	40
Department of the Prime Minister and Cabinet (PM&C)	14	10	320	330	1	16	14	325	339	1	9	3
Department of Climate Change, Energy, the Environment and Water (DCCEEW)	17	0	233	233	1	17	2	306	308	1	75	32
Australian Securities and Investments Commission (ASIC)	18	69	151	220	1	18	83	199	282	1	62	28
Department of the Treasury	19	8	199	207	1	19	10	216	226	1	19	9
Immigration Assessment Authority	20	187	6	193	1	20	210	4	214	1	21	11
<b>Total of current year top 20<sup>2</sup></b>		<b>23,437</b>	<b>5,856</b>	<b>29,293</b>	<b>86</b>	<b>21</b>	<b>23,736</b>	<b>5,550</b>	<b>29,286</b>	<b>84</b>	<b>-7</b>	<b>0</b>
Others		1,798	3,128	4,926	14	22	1,383	4,037	5,420	16	494	10
<b>Total</b>		<b>25,235</b>	<b>8,984</b>	<b>34,219</b>	<b>100</b>		<b>25,119</b>	<b>9,587</b>	<b>34,706</b>	<b>100</b>	<b>487</b>	<b>1</b>

<sup>2</sup> This is the total of the current year's top 20 only. The composition of the top 20 has changed since 2022-23.

The 3 agencies that received the most FOI requests in 2022–23, Home Affairs, Services Australia and the NDIA, all received fewer FOI requests in 2023–24.

The top 20 agencies (based on the number of FOI requests received) have been receiving proportionally fewer FOI requests each year for the past 3 years:

- 90% of all FOI requests in 2021–22
- 87%<sup>3</sup> of all requests in 2022–23
- 84% of all FOI requests in 2023–24

This indicates a wider spread of FOI requests across the Australian Government than in previous years.

## Largest decreases

The largest decreases in the percentages of FOI requests received in 2023–24 were seen by:

- NDIA – a 21% decrease, from 1,752 requests in 2022–23 to 1,381 in 2023–24
- ATO – 18% decrease, from 1,127 requests in 2022–23 to 924 in 2023–24
- Home Affairs – a 9% decrease, from 13,095 requests in 2022–23 to 11,092 in 2023–24.

## Largest increases

The largest increases in the percentages of FOI requests received in 2023–24 were seen by:

- eSafety – a 2,288% increase, from 24 requests in 2022–23 to 573 in 2023–24
- OAIC – a 59% increase, from 314 requests in 2022–23 to 498 in 2023–24
- DITRDCA – a 40% increase, from 254 requests in 2022–23 to 356 in 2023–24.

<sup>3</sup> Table E.2 reports the percentage of FOI requests received by the top 20 agencies in 2022–23 based on the agencies in the top 20 in 2023–24 (the reported proportion is 86%). However, that proportion is 90% when only the agencies in the top 20 in 2022–23 are used.

## Agency feedback

eSafety explains that ‘many of these requests were made as part of an “end eSafety” campaign intended to divert the agency’s resources from its other operations, a fact that was acknowledged on social media’. The majority of these requests were made using a website that was established following litigation involving eSafety. eSafety expects the number of requests to remain elevated into the 2024–25 financial year.

In 2022–23, the Australian Research Council experienced an even larger increase in FOI requests (4,686%) but was able to make changes to its information and communication technology platform to facilitate the giving of access to documents without the need for an FOI request to be made. As a result, in 2023–24 the number of FOI requests made to the Australian Research Council reduced by 89% and its ranking dropped from 9th in 2022–23, to 42nd this year.

The large increase in FOI requests received by the OAIC in 2023–24 is the result of an increase in misdirected FOI requests from people seeking access to records held by other Australian Government or State Government agencies (for example, police and medical records). Changes were subsequently made to the OAIC’s website which has resulted in a reduction in misdirected requests compared with earlier in the financial year.

DITRDCA explains that it experienced an increase in requests in July and August 2023 and in March 2024 (which related to specific grant programs). The Department notes there has been a general and consistent increase in the number of FOI requests over the past 2 financial years, and it does not anticipate this trend dissipating in the foreseeable future.

### Large increase in requests – other agencies/ministers

Some agencies outside the top 20, and therefore not featured in Table E.2, received significantly more FOI requests in 2023–24 than in 2022–23. These include:

- Civil Aviation Safety Authority (CASA) – a 92% increase, with 104 requests received in 2022–23 and 200 in 2023–24. CASA attributes some of this increase to particular aviation safety incidents and aviation medical issues, however it says neither

of these accounts for all of the increase in FOI requests in 2023–24.

- Australian Communications and Media Authority (ACMA) – a 428% increase (29 requests in 2022–23, 153 in 2023–24). ACMA says this increase is due to a social media campaign on X (formerly known as Twitter) as well as an individual’s interest in ACMA’s gambling regulation activities.
- Department of Education (Education) – a 68% increase (77 requests in 2022–23, 129 in 2023–24). Education explains that the number of requests received varies from year to year and is affected by a range of factors, including compliance activity and the level of public debate and interest in the Department’s portfolio responsibilities. It says requests received in 2023–24 relate to a broad range of issues, including policies, programs and legislation administered by the Department and the national policy reform work it has engaged in.
- NDIS Quality and Safeguards Commission – a 140% increase (53 in 2022–23, 127 in 2023–204). The Commission explains that this increase corresponds with an increase in compliance and enforcement activity, as well as an increase in requests by staff relating to recruitment processes and staff grievances. The Commission explains that FOI requests have traditionally been made by participants and their families or representatives seeking information about themselves. However there has been a higher volume of other (non-personal) requests for matters of media interest in 2023–24.
- Australian Competition and Consumer Commission (ACCC) – a 76% increase (62 in 2022–23, 109 in 2023–24). The ACCC says it received a 70% increase in requests related to its scams work, particularly with the inception of the National Anti-Scam Centre and increasing public awareness of scams. The ACCC also had a number of high-profile enforcement matters during the year which appear to have resulted in requests for associated documents. The ACCC expects these trends to continue into 2024–25.
- Airservices Australia (Airservices) – a 158% increase (31 in 2022–23, 80 in 2023–24). Airservices indicates it has responsibility for some significant policy issues of public interest, which may partially explain the rise in FOI requests (for example, noise

action plans at airports). Airservices explains it has been proactive in pushing information into the public domain through several channels (media releases, website publication, and increased public consultation and engagement efforts). These efforts to push more information out may also partially explain the rise in requests because there is now greater public awareness of Airservices’ responsibility regarding policy issues of public interest.

- Minister for Communications – a 408% increase (12 in 2022–23, 61 in 2023–24). The Minister says that almost half of these (44%) were from an individual seeking access to documents held by another agency. All these requests were transferred. Although the Department engaged, on the Minister’s behalf, with the individual to assist them submit their requests to the correct agency, the individual was unwilling to accept this advice. The other requests received cover a broad range of topics and reflect the substantial public interest in the Minister’s portfolio responsibilities, including in relation to online gambling, online safety, and combating mis- and disinformation.
- Independent Parliamentary Expenses Authority (IPEA) – a 427% increase (11 in 2022–23, 58 in 2023–24). The IPEA states that one of the main factors driving this increase was that public quarterly reporting of parliamentarians’ expenditure under the *Parliamentary Business Resources Act 2017* was temporarily suspended from 1 July 2022. This was due to a delay in the delivery of the expenditure reporting module in the Department of Finance-owned Parliamentary Expenses Management System (PEMS). In the second half of 2022, the Government announced that the expenditure reporting function of PEMS would be delayed until the second half of 2023. During this time, IPEA was not able to carry out its public reporting function. Consequently, FOI requests increased so the public could obtain information that was previously publicly available.

## Requests for personal and other (non-personal) documents

In 2023–24, 25,119 FOI requests (72% of all FOI requests received) were for documents containing personal information. This is a smaller proportion of the total requests received than in 2022–23, when 74% of all requests received were for predominantly personal information.

There has been a gradual reduction in the proportion of FOI requests for predominantly personal information, compared with requests for other (non-personal) information, over the past 9 years. In 2015–16, 87% of all requests were for predominantly personal information. In 2016–17 and 2017–18 this was 82%, in 2018–19 it was 83%. In 2019–20 it was 81%, in 2020–21 it was 77%, and in 2021–22 and 2022–23 the proportion was 74%.

In 2023–24, there were 9,587 FOI requests for other (non-personal) information (28% of all requests). This is an increase compared with 2022–23, when it was 26%. As the proportion of FOI requests for predominantly personal information has decreased over the past 9 years, the proportion of requests for access to other (non-personal) information has increased: in 2015–16, only 13% of all requests were for other (non-personal) information.

While most agencies in the top 20 had similar personal/other (non-personal) FOI request profiles in 2023–24, some received significantly fewer requests for access to personal information than in previous years. Those agencies are:

- ATO – 73% (compared to 82% in 2022–23)
- Defence – 26% (compared to 33% in 2022–23)
- DFAT – 38% (compared to 43% in 2022–23)
- NDIA – 81% (compared to 89% in 2022–23).

Noting the overall decrease in the proportion of personal information requests made to Australian Government agencies in 2023–24 (and the corresponding increase in the proportion of other (non-personal) requests), some agencies experienced the reverse trend. These agencies include:

- eSafety – 91% (compared to 0% in 2022–23)
- OAIC – 67% (compared to 50% in 2022–23)
- Home Affairs – 95% (compared to 87% in 2022–23)
- Attorney-General’s Department (AGD) – 23% (compared to 17% in 2022–23).

## FOI requests finalised

**Table E.3: Overview of FOI requests received and finalised**

FOI request processing	2022–23	2023–24	% change
On hand at the beginning of the year <sup>4</sup>	8,996	5,507	–39
Received during the year	34,219	34,706	1
Requiring decision <sup>5</sup>	43,215	40,213	–7
Withdrawn	15,915	11,024	–31
Transferred	535	612	14
Decided <sup>6</sup>	21,228	21,347	1
Finalised <sup>7</sup>	37,678	32,983	–12
On hand at the end of the year	5,537	7,230	31

Agencies and ministers commenced 2023–24 with fewer FOI requests on hand requiring a decision than the previous financial year (39% less than at the beginning of 2022–23).

The reason for the large decrease in the number of FOI requests withdrawn in 2023–24 (31% less than 2022–23) was a decrease in the number of requests made to Home Affairs that were reported to have been subsequently withdrawn by the applicant. In 2023–24, 6,282 requests made to Home Affairs were withdrawn. In 2022–23 this was 10,919. This decrease accounts for 95% of the decrease in requests withdrawn in 2023–24.

Home Affairs advises that in 2022–23, it implemented a new process to make use of the Privacy Act to release personal information. Part of this approach included finalising previously registered FOI requests as withdrawn, and processing the request under the Privacy Act. The success of this approach in streamlining personal access requests accounts for the increase in reported withdrawals under the FOI Act

in 2022–23. In 2023–24, 89% of the requests finalised as withdrawn were requests for access to personal documents processed under the Privacy Act (where applicants received the documents they requested). The decrease in requests finalised as withdrawn largely reflects the reduction in finalisations overall compared to 2022–23, when Home Affairs focussed on reducing the backlog of cases to a manageable level.

The reduction in the number of FOI requests withdrawn led to a 12% reduction in the number of FOI requests finalised in 2023–24 (the number of requests *decided* was 1% more than in 2022–23).

However, some agencies experienced an increase in the number of requests that were withdrawn. The ACCC explains that during 2023–24 there was an increase in requests seeking access to data. In many cases, the ACCC was able to assist applicants outside the FOI process (that is, through administrative release), with applicants subsequently withdrawing their FOI requests.

<sup>4</sup> Agencies and ministers can ask the OAIC to change the number of FOI requests on hand at the beginning of a reporting year if the number carried over from the previous year is incorrect.

<sup>5</sup> Total of FOI requests on hand at the beginning of this reporting period and requests received during this reporting period.

<sup>6</sup> Covers access granted in full, part or refused.

<sup>7</sup> The sum of requests withdrawn, transferred, and decided.



## Decisions on FOI requests

In December 2022, the OAI issued guidance on recording FOI decisions when irrelevant matter is deleted from documents under s 22(1)(b)(ii) of the FOI Act. Anecdotal evidence indicated that some agencies had recorded these decisions as ‘granted in full’ (on the basis that the applicant had not requested the irrelevant information and had been given access to

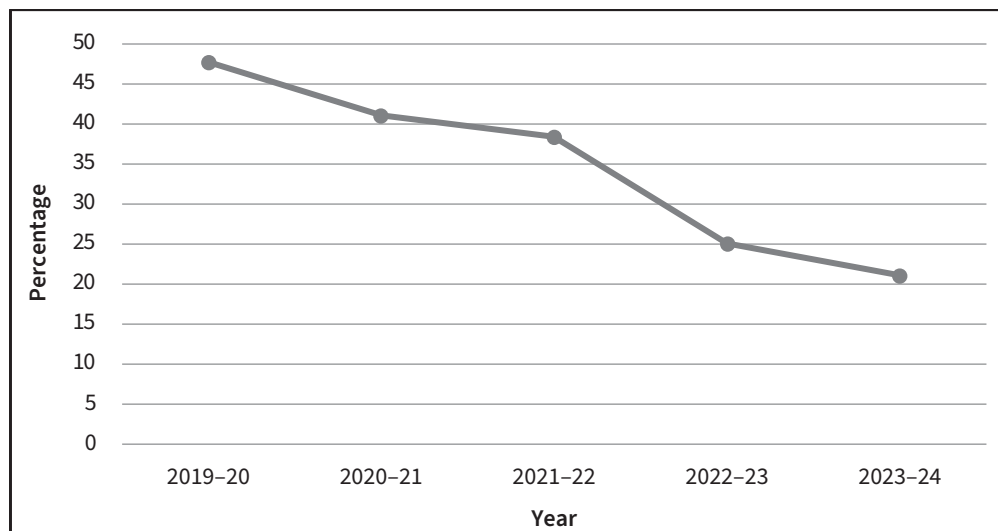
what they asked for). The OAI’s guidance clarified that such decisions are to be recorded as ‘granted in part’ (see s 31((3) of the *Australian Information Commissioner Act 2010*). The OAI expected fewer FOI decisions to be recorded as granted in full and more recorded as granted in part following this advice being issued. However, it is to be noted that declines in the percentage of FOI requests granted in full predate this guidance being issued.

**Table E.4: Outcomes of FOI requests decided 2023–24 compared with 2022–23**

Decision	Personal 2022–23	Other 2022–23	Total 2022–23	%	Personal 2023–24	Other 2023–24	Total 2023–24	%
Granted in full <sup>8</sup>	4,025	1,351	5,376	25	3,461	1,004	4,465	21
Granted in part <sup>9</sup>	8,886	2,169	11,055	52	8,665	2,994	11,659	55
Refused	2,218	2,579	4,797	23	2,309	2,914	5,223	24
<b>Total</b>	<b>15,129</b>	<b>6,099</b>	<b>21,228</b>	<b>100</b>	<b>14,435</b>	<b>6,912</b>	<b>21,347</b>	<b>100</b>

The reduction in the percentage of FOI requests granted in full is tracked in Chart E.1.

**Chart E.1: Percentage of requests granted in full – 2019–20 to 2023–24**



<sup>8</sup> The release of all documents within the scope of the request, as interpreted by the agency or minister.

<sup>9</sup> A document is granted in part when a part, or parts, of a document have been redacted to remove any irrelevant, exempt or conditionally exempt matter.

The proportion of FOI requests granted in part was 55% in 2023–24. In 2022–23 this was 52% and in 2021–22 it was 42%.

The proportion of FOI requests refused in 2023–24 increased to 24%, compared with 23% in 2022–23. This includes requests refused because the requested documents did not exist or could not be found, or a practical refusal reason existed, as well as when exemptions were applied. This percentage was 19% in 2021–22, 18% in 2020–21, and 15% in 2019–20.

Agencies made 21,347 FOI decisions in 2023–24, 1% more than in 2022–23 when 21,228 decisions were made. Sixty-eight per cent of all decisions made in 2023–24 were made in response to requests for access to personal information (this was 71% in 2022–23).

In 2023–24, agencies decided 5% fewer requests for access to personal information (14,435 compared to 15,129 in 2022–23). There were 13% more decisions made in response to requests for access to other (non-personal) information (6,912 in 2023–24, compared to 6,099 in 2022–23).

Agencies in the top 20 (ranked by the number of decisions made) granted access in full in 22% of all the FOI decisions made; the remaining agencies granted 16% of all requests in full. In 2022–23, agencies in the top 20 granted access in full in 26% of all FOI decisions; the remaining agencies granted 21% of all requests in full.

In 2023–24, agencies in the top 20 granted access in part in 57% of all FOI decisions made; this was 44% for the agencies outside the top 20. In 2022–23, agencies in the top 20 granted access in part in 54% of FOI decisions made; this was 43% for the agencies outside the top 20.

Agencies receiving high proportions of requests for access to personal information that granted full access to documents in high proportions in 2023–24 include the AAT (56% of all requests granted in full) and the NDIA (45%).

Twelve agencies in the top 20 refused access to documents at rates higher than the average of all agencies (which is 24%). Three of these agencies refused access to documents in more than 50% of the FOI requests they decided:

- Australian Postal Corporation (74%)
- AGD (52%)
- ASIC (50%).

These agencies all receive higher numbers of FOI requests for other (non-personal) information. In some circumstances, the proactive publication of other (non-personal) information can reduce the need for requests for this type of information to be made under the FOI Act.

Table E.5 lists the top 20 agencies by the number of FOI decisions made in 2023–24, and also shows differences in outcomes of FOI requests compared with other agencies.

**Table E.5: Top 20 agencies by numbers of FOI requests decided in 2023–24**

Agency	Granted in full	%	Granted in part	%	Refused	%	Total	Rank
Department of Home Affairs	1,151	23	2,787	57	987	20	4,925	1
Services Australia	473	13	2,574	73	461	13	3,508	2
Administrative Appeals Tribunal	899	56	652	41	50	3	1,601	3
National Disability Insurance Agency	610	45	495	37	241	18	1,346	4
Department of Veterans' Affairs	118	10	883	77	152	13	1,153	5
Department of Defence	57	8	387	54	270	38	714	6
Australian Taxation Office	124	19	387	58	157	24	668	7
Australian Federal Police	26	5	328	58	208	37	562	8
Australian Transaction Reports and Analysis Centre (AUSTRAC)	19	4	300	60	182	36	501	9
Department of Health and Aged Care	92	22	198	47	129	31	419	10
Department of Foreign Affairs and Trade	12	4	181	57	123	39	316	11
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	41	15	123	44	117	42	281	12
Attorney-General's Department	11	4	117	43	141	52	269	13
Department of the Prime Minister and Cabinet	44	19	85	36	105	45	234	14
Australian Securities and Investments Commission	13	6	89	44	102	50	204	15
Immigration Assessment Authority	44	23	122	63	29	15	195	16
Department of Climate Change, Energy, the Environment and Water	26	14	87	46	75	40	188	17
IP Australia	33	20	111	66	23	14	167	18
Australian Postal Corporation	26	18	12	8	108	74	146	19
Civil Aviation Safety Authority	26	18	59	42	56	40	141	20
<b>Total top 20</b>	<b>3,845</b>	<b>22</b>	<b>9,977</b>	<b>57</b>	<b>3,716</b>	<b>21</b>	<b>17,538</b>	
Others	620	16	1,682	44	1,507	40	3,809	
<b>Total</b>	<b>4,465</b>	<b>21</b>	<b>11,659</b>	<b>55</b>	<b>5,223</b>	<b>24</b>	<b>21,347</b>	

## Use of exemptions

Table E.6 shows how Australian Government agencies and ministers claimed exemptions under the FOI Act when processing FOI requests in 2023–24. More than one exemption may be applied in processing an FOI request.

Exemptions were not claimed or were not relevant<sup>10</sup> in relation to 6,137 FOI requests decided in 2023–24, 29% of all FOI requests decided (compared to 31% of all requests in 2022–23).

There was very little change in the application of exemptions in 2023–24 compared with previous years.

**Table E.6: Use of exemptions in FOI decisions in 2023–24**

FOI Act reference	Exemption	Personal	Other	Total	% of all exemptions applied
s 33	Documents affecting national security, defence or international relations	248	420	668	4
s 34	Cabinet documents	4	175	179	1
s 37	Documents affecting enforcement of law and protection of public safety	617	215	832	5
s 38	Documents to which secrecy provisions of enactments apply	741	220	961	6
s 42	Documents subject to legal professional privilege	190	350	540	3
s 45	Documents containing material obtained in confidence	37	213	250	2
s 45A	Parliamentary Budget Office documents	0	0	0	0
s 46	Documents disclosure of which would be contempt of Parliament or contempt of court	17	19	36	<0.5
s 47	Documents disclosing trade secrets or commercially valuable information	35	302	337	2
s 47A	Electoral rolls and related documents	2	3	5	<0.5
s 47B	Commonwealth-state relations	104	120	224	1
s 47C	Deliberative processes	310	704	1,014	6
s 47D	Financial or property interests of the Commonwealth	130	45	175	1
s 47E	Certain operations of agencies	2,765	1,342	4,107	25
s 47F	Personal privacy	4,716	1,701	6,417	39
s 47G	Business	259	555	814	5
s 47H	Research	1	9	10	<0.5
s 47J	The economy	0	4	4	<0.5
<b>Total</b>		<b>10,176</b>	<b>6,397</b>	<b>16,573</b>	<b>100</b>

<sup>10</sup> As well as decisions granting access to documents in full, this also includes decisions made under s 24 of the FOI Act (practical refusal) and s 24A (documents do not exist or cannot be found).

The personal privacy conditional exemption (s 47F) remains the most claimed. It was applied in 39% of all FOI decisions in which an exemption was claimed in 2023–24, the same percentage as in 2022–23 and 2021–22.

The next most claimed exemptions were:

- s 47E (certain operations of agencies) – 25%, down slightly from 26% in 2022–23
- s 47C (deliberative processes) – 6%, slightly higher than in 2022–23 when it was applied in 5% of decisions in which an exemption was applied
- s 38 (documents to which secrecy provisions apply) – 6%, the same as in 2022–23
- s 37 (documents affecting enforcement of law and protection of public safety) – 5%, down from 2022–23 when it was applied in 7% of all decisions in which an exemption was applied.

## Use of practical refusal

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

a practical refusal reason will exist if the work involved in processing the request would substantially and unreasonably interfere with the performance of the minister’s functions.

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

Table E.7 provides information about how agencies and ministers engaged in request consultation processes under s 24AB of the FOI Act in 2023–24, and the outcome of those processes.

Agencies and ministers sent 2,450 notices of an intention to refuse a request for a practical refusal reason in 2023–24, 15% fewer than in 2022–23 when 2,881 notices were sent.

While some agencies sent substantially more notices in 2023–24, this was offset by a reduction in the number of notices sent by Home Affairs (542 fewer notices, a 35% reduction), the ATO (120 fewer notices, a 76% reduction) and AGD (30 fewer notices, a 35% reduction).

**Table E.7: Use of practical refusal in 2023–24**

Practical refusal processing step	Personal	Other	Total	%
Notified in writing of intention to refuse request	1,231	1,219	2,450	7 <sup>11</sup>
Request was subsequently processed (other than by confirming the practical refusal or withdrawal of the request)	405	516	921	38 <sup>12</sup>

<sup>11</sup> Notices sent advising of an intention to refuse a request for a practical refusal reason expressed as a percentage of all the FOI requests received in 2023–24.

<sup>12</sup> Percentage of the total number of notices sent advising of an intention to refuse a request for a practical refusal reason.

Some agencies sent significantly more practical refusal notices in 2023–24 than in 2022–23. These agencies include:

- Services Australia, which sent 81% more practical refusal notices in 2023–24 (123) than in 2022–23 (68).
- DITRDCA – 94% more notices in 2023–24 (66) than in 2022–23 (34). DITRDCA explains that in the first 3 quarters of 2023–24, the Department issued 27 practical refusal notices, which reflects a general increase in requests received during the year. Eighty per cent of the practical refusal notices issued in the 4th quarter related to a surge in requests received in March 2024, which were individually assessed as being both voluminous in terms of the number of documents, as well as being directed to one business area within the Department.
- ASIC – 46% more notices in 2023–24 (92) than in 2022–23 (63). ASIC explains that it received 11 FOI requests for various categories of documents relating to the Mayfair 101 group of companies (the Mayfair 101 group was subject to ASIC enforcement action). Seven of these requests were treated as one request under s 24(2) of the FOI Act for the purposes of the request consultation process and all were ultimately refused. However more generally, ASIC says it has received an increase in the number of voluminous requests seeking ‘all’ emails, chat messages, text messages, documents etc, sent or received, with reference to a large number of named staff. These requests frequently required a s 24AB request consultation process to narrow.
- DCCEEW – 43% more notices in 2023–24 (86) than in 2022–23 (60). The Department said that the number of requests seeking access to information rather than documents has increased as well as requests simply requesting ‘all documents’ related to a vague or very broad topic. Further, requests for historic documents (prior to 2010) have increased. The Department says it endeavours to assist applicants to revise requests to a processable scope, and rarely refuses to process a request after a practical refusal notice has been sent.

Some agencies and ministers issued a high proportion of notices of an intention to refuse a request for a practical refusal reason, as a percentage of all the FOI

requests they decided during 2023–24. These agencies include:<sup>13</sup>

- Australian National Maritime Museum – 100% (2 notices issued)
- ACCC – 71% (44 notices issued)
- Geoscience Australia – 67% (2 notices issued)
- Screen Australia – 63% (5 notices issued)
- eSafety – 58% (40 notices issued)

Previous years’ annual reports have commented on the percentage of FOI requests refused after a practical refusal notice is issued. However, agencies and ministers are not asked to report this information (only the number subsequently processed, other than by confirming the practical refusal or withdrawal by the applicant). The percentage refused was calculated by subtracting the number of requests subsequently processed from the number of practical refusal notices sent.

In 2023–24, 38% of all FOI requests for which a practical refusal notice was sent were subsequently processed (other than by confirming the practical refusal). Thirty-one per cent were subsequently processed in 2022–23. This means a request was more likely to be processed as a result of the request consultation process in 2023–24 than the previous year.

Although equal numbers of practical refusal notices were issued with respect to personal and other (non-personal) requests, notices were issued for 9% of all personal requests decided compared with 18% for all other (non-personal) requests decided.

The request consultation process for other (non-personal) FOI requests is more likely to result in requests subsequently being processed (other than by confirming the practical refusal reason). In 2023–24, 42% of all other (non-personal) FOI requests were subsequently processed; only 33% of personal FOI requests were subsequently processed.

Home Affairs issued 41% of all notices of an intention to refuse a request for a practical refusal reason in 2023–24 (1,005 notices). It subsequently processed 293 of these requests (29%). This is an improvement

<sup>13</sup> This list excludes those agencies and ministers that only decided one request in 2023–24 and the outcome of that request was a practical refusal.

on 2022–23, when Home Affairs processed only 25% of the requests for which a practical refusal notice was issued.

Home Affairs advises that its request consultation process provides an opportunity for applicants to revise the scope of their request to remove the practical refusal reason, and that officers routinely work with applicants to negotiate the scope of requests both informally and through the issuing of practical refusal notices. In some instances, applicants do not engage in the consultation process or choose not to negotiate the scope, but rather submit a new request with a revised scope. Home Affairs advises the percentage of requests that were subsequently processed is similar to 2022–23.

For all other agencies, the percentage of FOI requests subsequently processed after a practical refusal notice was issued was 43%, which is a higher than 2022–23 when 39% were subsequently processed.

The percentage of FOI requests subsequently processed after a practical refusal notice has been issued has fluctuated over the past 8 years. For example, in 2016–17, 34% of all requests for which a practical refusal notice was issued were subsequently processed. This decreased to 16% in 2017–18 but rose again in 2018–19 (23%), 2019–20 (40%), 2020–21 (52%), 2021–22 (46%), 2022–23 (31%) and 2023–24 (38%).

## Charges

Section 29 of the FOI Act provides that an agency or minister may impose charges in respect of FOI requests, except requests for access to personal information, and sets out the process by which charges are assessed, notified and adjusted. Charges may only be imposed for requests relating to other (non-personal) information.

Table E.8 shows the amounts collected by the 20 agencies that collected the most in charges under the FOI Act in 2023–24. These top 20 agencies are responsible for 98% of all charges collected by agencies and ministers under the FOI Act during the reporting period.

Agencies issued fewer charges notices in 2023–24 (577) than in 2022–23 (1,243), a 54% reduction, and notified 25% less in charges (\$186,107 in 2023–24, compared

with \$249,667 in 2022–23). Although agencies notified less in charges in 2023–24, they collected a larger percentage of the charges notified than in previous years (39% compared with 34% in 2022–23 and 28% in 2021–22).<sup>14</sup> This may indicate a more targeted approach to the issuing of charges notices in 2023–24.

As a result of fewer notices being issued in 2023–24 agencies collected less in charges (\$73,067) than in 2022–23 (\$86,080). However, as noted in last year's annual report, 2022–23 was an outlier, being the first year in 9 years in which both the total charges notified and collected had not declined.

Some agencies collected much larger amounts by way of charges than in previous years. These agencies include:

- Comcare – 568% more collected than in 2022–23 (\$2,465 compared with \$369 in 2022–23)
- DISR – a 332% increase, from \$1,609 in 2022–23 to \$6,951 in 2023–24
- National Indigenous Australians Agency – a 226% increase, from \$573 in 2022–23 to \$1,867 in 2023–24
- Geoscience Australia – a 182% increase, from \$422 to \$1,192 in 2023–24
- Department of Finance (Finance) – a 142% increase, from \$349 to \$846
- Education – a 107% increase, from \$1,565 to \$3,233.

Home Affairs collected 98% less in charges in 2023–24 (\$221) than in 2022–23 (\$9,487). This reduction in charges collected by Home Affairs accounts for 71% of the overall reduction in charges collected by the Australian Government in 2023–24 compared with the previous reporting year.

<sup>14</sup> The difference between charges notified and charges collected is due to agencies exercising the discretion in s 29 of the FOI Act not to impose the whole charge, or because applicants withdraw their FOI request without paying the notified charge.

Table E.8: Top 20 agencies by charges collected in 2023–24

Agency	Rank	Requests received	Requests where charges notified	Total charges notified (\$)	Total charges collected (\$)	% of charges notified that were collected
Department of Climate Change, Energy, the Environment and Water	1	308	112	29,038	12,694	44
Department of Health and Aged Care	2	605	99	28,475	12,482	44
Department of Industry, Science and Resources (DSIR)	3	199	62	21,124	6,951	33
Department of Agriculture, Fisheries and Forestry (DAFF)	4	108	28	8,289	5,920	71
Civil Aviation Safety Authority	5	200	63	16,622	5,506	33
Australian Securities and Investments Commission	6	282	9	6,887	5,469	79
Australian Competition and Consumer Commission	7	109	29	7,378	3,751	51
Department of Education	8	129	27	9,358	3,233	35
Comcare	9	172	6	4,797	2,465	51
Australian Research Council	10	72	3	8,896	1,911	21
National Indigenous Australians Agency	11	59	19	5,544	1,867	34
Food Standards Australia New Zealand	12	7	2	1,650	1,650	100
National Offshore Petroleum Safety & Environmental Management Auth.	13	42	6	2,110	1,637	78
Geoscience Australia	14	3	1	1,052	1,192	113
Department of the Treasury	15	226	21	6,587	1,069	16
Tertiary Education Quality and Standards Agency	16	12	3	1,740	1,045	60
Department of Finance	17	192	9	2,560	846	33
Clean Energy Regulator	18	52	13	4,780	748	16
Climate Change Authority	19	7	1	720	720	100
Great Barrier Reef Marine Park Authority	20	5	1	508	508	100
<b>Total Top 20</b>		<b>2,789</b>	<b>514</b>	<b>168,115</b>	<b>71,664</b>	<b>43</b>
Others		31,917	63	17,992	1,403	8
<b>Total</b>		<b>34,706</b>	<b>577</b>	<b>186,107</b>	<b>73,067</b>	<b>39</b>



## Time taken to respond to FOI requests

Under the FOI Act, agencies and ministers have 30 days to make a decision in response to any FOI request. The FOI Act allows for that timeframe to be extended in certain circumstances.<sup>15</sup>

If a decision is not made on an FOI request within the statutory timeframe (including any extension period), s 15AC of the FOI Act provides that a decision refusing access is deemed to have been made. Nonetheless, agencies may continue to process a request that has been deemed to be refused.

In 2023–24, 74% of all FOI requests were processed within the applicable statutory timeframe: 69% of all personal information requests and 84% of all other (non-personal) requests. Because other (non-personal) requests comprised a greater proportion of decisions in 2023–24 (32% compared to 29% in 2022–23), overall timeliness remained the same as the previous reporting year (74%), despite minor deteriorations (1%) in the timeliness of decision making for both personal and other (non-personal) requests.

Generally, timeliness of decision making has declined since 2017–18, when 85% of all FOI requests were decided within the relevant statutory timeframe (86% of all requests for access to personal information and 85% of all other (non-personal) requests).

Some agencies and ministers found it difficult to comply with statutory timeframes in 2023–24. The reasons given for this include an increase in the number of FOI requests which impacts their capacity to attend to requests in a timely way; resource

constraints – particularly in the context of short-term surges in request numbers; the increasing complexity and volume of requests; staff turnover; difficulty recruiting staff; and loss of corporate knowledge.

Seven agencies and 4 ministers decided less than 50% of their FOI requests within the statutory time in 2023–24. The agencies that decided more than one request during the year with less than 50% compliance with statutory timeframes include:

- Australian Institute of Aboriginal and Torres Strait Islander Studies – 20% (one of 5 requests decided in time)
- Housing Australia – 33% (one of 3 requests decided in time)
- Home Affairs – 36% (1,752 of 4,925 requests decided in time)
- NDIA – 49% (655 of 1,346 decided in time).

The ministers who decided more than one request during the year with less than 50% compliance with statutory timeframes are:

- Minister for Emergency Management – 0% (0 of 2 requests decided in time)
- Minister for Home Affairs – 30% (3 of 10 requests decided in time)
- Treasurer – 45% (9 of 20 requests decided in time).

The NDIA says that as a result of engaging additional staffing resources it was able to finalise an increased number of deemed access refusal requests that were received during the previous financial year. This resulted in an overall decline in timeliness in 2023–24.

The Treasurer's Office advises it takes its obligations under the FOI Act seriously and devotes adequate resources to ensure it adheres to its commitment to transparency. Statutory timeframes were met for 9 of 20 requests. A further 5 were decided within 30 days of the deadline. The remaining requests required significant consultation with external parties and involved the ultimate combined release of 76 documents to the FOI applicants.

Home Affairs' compliance with statutory timeframes declined further in 2023–24. In 2023–24, Home Affairs decided 36% of all FOI requests within the applicable statutory timeframe (35% of all personal requests and 37% of all other (non-personal) requests). This decline in timeliness occurs in the context of the Department

<sup>15</sup> An agency or minister may extend the time to make a decision by agreement with the applicant (s 15AA), or to undertake consultation with a third party (ss 15(6)–(8)). An agency or minister can also apply to the Information Commissioner for more time to process a request when the request is complex or voluminous (s 15AB), or when access has been deemed to have been refused (ss 15AC and 51DA) or deemed to have been affirmed on internal review (s 54D). These extension provisions acknowledge there are circumstances when it is appropriate for an agency or minister to take more than 30 days to process a request. When an agency or minister has obtained an extension of time to deal with an FOI request and finalises the request within the extended time, the request is recorded as having been made within the statutory time period.

**Table E.9: FOI request response times for 2022–23 and 2023–24**

Response time	2022–23				2023–24			
	Personal	Other	Total	% of total requests decided	Personal	Other	Total	% of total requests decided
Within applicable statutory time period	10,554	5,169	15,723	74	9,979	5,775	15,754	74
Up to 30 days over applicable statutory time period	868	628	1,496	7	1,331	526	1,857	9
31–60 days over applicable statutory time period	390	164	554	3	728	261	989	5
61–90 days over applicable statutory applicable time period	337	61	398	2	502	127	629	3
More than 90 days over applicable statutory time period	2,980	77	3,057	14	1,895	223	2,118	10
<b>Total</b>	<b>15,129</b>	<b>6,099</b>	<b>21,228</b>	<b>100</b>	<b>14,435</b>	<b>6,912</b>	<b>21,347</b>	<b>100</b>

deciding fewer FOI requests in 2023–24 (4,925) than in previous years.

Home Affairs decisions over time:

- 2022–23 – 6,288 FOI requests decided
- 2021–22 – 11,203 FOI requests decided.

In 2022–23, Home Affairs decided 38% of all requests within time (32% of all personal requests and 67% of all other (non-personal) requests). In 2021–22, Home Affairs' compliance with statutory timeframes was 45%, in 2020–21 it was 62%, in 2019–20 it was 66% and in 2018–19 it was 74%.

Home Affairs' compliance with statutory timeframes for personal requests improved 3 percentage points in 2023–24; from 32% decided in time in 2022–23, to 35% in time in 2023–24. However, there was a marked deterioration in timeliness for other (non-personal) requests. Sixty-seven per cent of all other (non-personal) requests were decided within the relevant statutory timeframe in 2022–23; this declined to only 37% in 2023–24.

Home Affairs' compliance with statutory timeframes is well below the Australian Government average

of 74%. It is further worth noting that if reporting of Home Affairs' compliance with statutory timeframes is removed from the calculation of overall timeliness, the average for all other Australian Government agencies and ministers would be 85%.

Home Affairs advises that each FOI request is processed in the context of a large volume which often limits the Department's ability to decide requests within the statutory timeframe, and that the traditional presentation of statistical information makes it hard to show the success achieved under the transition implemented by the Department (which involves responding to FOI requests for personal information under the Privacy Act).

Home Affairs further noted that the profile of its non-personal caseload has changed over the previous financial years where, though the number of requests received has reduced, a higher proportion of requests received are complex, typically requiring greater internal and third-party consultation and extensive searches. This has had a direct impact on the reduction in timeliness in the non-personal caseload.

**Table E.10: Agencies deciding 5% or more of FOI requests more than 90 days after the expiry of applicable statutory period in 2023–24**

Agency	Total requests decided	FOI requests decided > 90 days after expiry of statutory period	% of requests decided > 90 days after expiry of statutory period (as % of all requests decided)
Minister for Home Affairs	10	5	50
Australian Institute of Aboriginal and Torres Strait Islander Studies	5	2	40
Housing Australia	3	1	33
Department of Home Affairs	4,925	1,578	32
Treasurer	20	5	25
National Disability Insurance Agency	1,346	275	20
Deputy Prime Minister	8	1	13
Commonwealth Ombudsman	101	10	10
Australian Federal Police	562	53	9
Airservices Australia	76	6	8
Department of Veterans' Affairs	1,153	82	7
Australian Broadcasting Corporation	41	2	5
Department of the Prime Minister and Cabinet	234	11	5
Bureau of Meteorology	22	1	5
<b>Total</b>	<b>21,347<sup>16</sup></b>	<b>2,118<sup>17</sup></b>	<b>10</b>

There was a decrease in both the number and proportion of FOI requests decided more than 90 days over the applicable statutory time limit in 2023–24 compared with the previous year. In 2023–24, 2,118 FOI requests were decided more than 90 days after the statutory time had expired; in 2022–23 this was 3,057. In 2023–24, 10% of all requests were decided more than 90 days after the expiry of the statutory processing period, compared with 14% in 2022–23. The percentage decided more than 90 days over time was 19% in 2021–22, 12% in 2020–21 and 10% in 2019–20. It is worth noting that in 2018–19, only 2%

of requests were decided more than 90 days after the statutory time had ended.

Home Affairs accounted for 75% of all requests decided more than 90 days after the expiry of the statutory time period in 2023–24 (1,578 of 2,118 requests decided) so the Department remains the primary driver for the continuing high rate of requests decided more than 90 days over time.

Overall, 32% of all the FOI decisions made by Home Affairs were made more than 90 days after the statutory time period; 34% of personal requests

<sup>16</sup> Total of all FOI requests decided by Australian Government agencies and ministers in 2023–24.

<sup>17</sup> Total of all FOI requests decided by Australian Government agencies and ministers more than 90 days after the expiry of the statutory timeframe in 2023–24.

and 8% of other (non-personal) requests. This is an improvement from 2022–23 when Home Affairs accounted for 89% of all requests decided more than 90 days over time and when 44% of its decisions were made more than 90 days over time (52% of personal information requests and 1% of other (non-personal) requests).

Home Affairs advises that it has continued to reduce the age of the overall caseload in 2023–24, ending the year with 618 requests over 90 days – a large reduction since the end of 2022–23 when there were 3,798 requests over 90 days on hand.

In 2022–23, the NDIA made 152 decisions more than 90 days after the statutory time period had expired (10% of all decisions made that year); this increased to 275 decisions made more than 90 days over time in 2023–24 (20% of all decisions made).

The AFP and the DVA also experienced increases in the number and percentage of requests decided more than 90 days over time in 2023–24. In 2022–23, the AFP made 22 decisions more than 90 days late (4% of all decisions); this increased to 53 decisions over 90 days late in 2023–24 (9% of all decisions made). DVA made 8 decisions more than 90 days over time in 2022–23 (1% of all decisions); this increased to 82 decisions in 2023–24 (7% of all decisions made).

Some agencies that decided more than 50 FOI requests in 2023–24 decided them all within the statutory timeframe. These agencies include:

- ASIC – 204 decisions
- DCCEEW – 188 decisions
- IP Australia – 167 decisions
- Comcare – 119 decisions
- Department of Social Services (DSS) – 114 decisions
- NDIS Quality and Safeguards Commission – 91 decisions
- DAFF – 81 decisions
- Department of Employment and Workplace Relations – 73 decisions
- ACCC – 62 decisions
- Fair Work Ombudsman – 52 decisions.

## Applications for amendment of personal records

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

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

In 2023–24, 14 agencies received 1,393 amendment applications (no applications were received by ministers). This represents a 13% increase in applications compared with 2022–23, when 1,230 amendment applications were received.

The increase in amendment applications is due to Home Affairs receiving 195 more amendment applications in 2023–24 (1,323) than in 2022–23 (1,128), a 17% increase. Services Australia also received more amendment applications in 2023–24 (21) compared with 2022–23 (15).

Seven agencies received amendment applications in 2023–24 that did not receive any applications the previous year (the Department of Social Services (DSS), Australian Bureau of Statistics (ABS), Commonwealth Ombudsman, Fair Work Commission, ATO, Department of Health and Aged Care, and Veterans' Review Board). Defence, the NDIA and the OAIC all received substantially fewer applications than in 2022–23.



**Table E.11: Decisions on amendment applications 2022–23 and 2023–24**

Decision	2022–23	% of total	2023–24	% of total	% change <sup>18</sup>
<b>Granted</b>	<b>1,072</b>	<b>89</b>	<b>1,065</b>	<b>85</b>	<b>-1</b>
Amend record	993	82	964	77	-3
Annotate record	4	<0.5	5	<0.5	25
Amend and annotate record	75	6	96	8	28
<b>Refused</b>	<b>135</b>	<b>11</b>	<b>181</b>	<b>15</b>	<b>34</b>
<b>Total</b>	<b>1,207</b>	<b>100</b>	<b>1,246</b>	<b>100</b>	<b>3</b>

## Time taken to respond to amendment applications

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

In 2023–24, 70% of all amendment applications were decided within the applicable statutory timeframe, which is considerably lower than in 2022–23 when 87% of all amendment applications were decided in time (and 2021–22 when 91% were decided within time).

Twenty-five per cent of all amendment applications in 2023–24 were decided up to 30 days after the expiry of the statutory timeframe (this was 10% in 2022–23) and 5% were decided more than 30 days after the time period expired (this was 3% in 2022–23).

The overall timeliness of decision making for amendment applications directly reflects timeliness of decision-making within Home Affairs (which decided approximately 70% of all amendment applications within time, nearly 26% up to 30 days after the expiry of the applicable processing period, and just under 5% more than 30 days after the processing period expired).<sup>19</sup>

## Disclosure logs

All Australian Government agencies and ministers subject to the FOI Act are required to maintain an FOI disclosure log on a website. The disclosure log lists information that has been released to FOI applicants, subject to some exceptions (such as personal or business information). Information about agency and ministerial compliance with disclosure log requirements has been collected since 2012–13.

Australian Government agencies and ministers reported 2,481 new entries on disclosure logs during 2023–24, including 1,852 new entries for which documents are available for download directly from the agency or minister’s website (75% of all new disclosure log entries), 58 new entries for which documents are available from another website (2% of all new entries), and 571 new entries for which the documents are available by another means, usually upon request (23% of all new listings).

The total number of new entries published on disclosure logs in 2023–24 remains the same as in 2022–23, when 2,493 new entries were added (the number of new entries added to disclosure logs in 2022–23 was 6% lower than the previous year). This similarity is to be expected, as the number of FOI decisions made in 2023–24 (21,347) is very similar (1% more) than the number decided in 2022–23 (21,228).

<sup>18</sup> Percentage increase or decrease compared with 2022–23.

<sup>19</sup> Total does not add to 100% due to rounding.

There was a decrease in the proportion of new documents that members of the public can access directly from agency websites in 2023–24 (75%). In 2022–23, 80% of all documents could be accessed directly from agency websites, and in 2021–22 this was 79%. In 2020–21, 83% of all documents were accessible to the public directly from agency websites.

Twelve agencies that added more than 30 new entries to their disclosure log in 2023–24, made all released documents available for direct download from their websites, or from another website. These agencies include:

- Home Affairs – 168
- DCCEEW – 120
- Department of Health and Aged Care – 116
- PM&C – 112
- DISR – 64
- Department of the Treasury – 64
- ASIC – 50
- ATO – 44
- DAFF – 42
- Reserve Bank of Australia – 35
- OAIC – 35
- Department of Employment and Workplace Relations – 31.

Each quarter, in addition to providing the number of new entries added to their disclosure logs, agencies are asked to provide the number of unique visitors to their disclosure log and the number of page views where these statistics are collected in relation to disclosure log webpages. Only 15% of agencies registered on the FOI statistics database report that they collect statistics on unique visitors and page views.

In 2023–24, agencies and ministers reported 127,356 unique visitors to disclosure logs and 289,624 page views, which represents a 55% decrease in unique visitors from 2022–23, and a 25% decrease in total page views. The substantial decrease in unique visitors is due to an 73% reduction in unique visitors reported by Home Affairs (62,024 unique visitors compared with 230,379 in 2022–23). The decrease in the number of page views is also the result of changes reported by Home Affairs (198,991 – down 37% from 2022–23 when

there were 316,565 page views). The number of unique visitors reported by Home Affairs comprises 49% of total unique visitors to Australian Government agency disclosure logs. The number of page views reported by Home Affairs comprises 68% of total unique visitors to Australian Government agency disclosure logs.

## Review of FOI decisions

Under the FOI Act, a person who is dissatisfied with a decision made by an agency or minister in response to their initial FOI request has a number of avenues of review. The applicant can seek internal review with the agency (except if the FOI request is deemed to have been refused because a decision was not made within the statutory time period) or external merits review by the Information Commissioner (IC review). Information Commissioner decisions under s 55K of the FOI Act are reviewable by the AAT. AAT decisions may be appealed on a question of law to the Federal Court. In addition, a person can complain at any time to the Information Commissioner about actions taken by an agency under the FOI Act.

Third parties consulted during the FOI process also have review rights if an agency or minister decides to release documents contrary to their submissions. Consultation requirements apply for state governments (s 26A), commercial organisations (s 27), and private individuals (s 27A).

The FOI Act also provides for internal review, IC review and AAT review of decisions made in relation to amendment applications.

### Internal review of FOI decisions

The Information Commissioner recommends and encourages FOI applicants to apply for an internal review before applying for IC review.

In 2023–24, 808 applications were made for internal review of an FOI decision, 7% less than in 2022–23 (when 868 internal review applications were received). In 2023–24, 4% of all FOI requests decided led to applications for internal review, the same proportion as 2022–23, 2021–22 and 2020–21 (and slightly more than 2019–20 – 3%).

Some agencies had high rates of internal review applications as a proportion of the number of FOI

requests decided during the year (compared with the Australian Government average of 4%). These agencies include:

- Australian Public Service Commission – 31%
- CSIRO – 24%
- DISR – 17%
- DCCEEW – 14%
- Comcare – 13%
- Commonwealth Ombudsman – 12%.

These higher than average internal review application rates may indicate clear communication of internal review rights by these agencies, decisions being made within the statutory timeframe (so applicants have an additional review option open to them), greater trust in these agencies to conduct independent merits review of their own decisions, or it may reflect the interests of the FOI applicants and the types of document they seek to access.

While some agencies received significantly more internal review applications in 2023–24 compared with 2022–23 (for example, the CSIRO received 11 internal review applications in 2023–24, compared to one in 2022–23, and DCCEEW received 26 internal review applications, up from 10 in 2022–23), these were outweighed by significant decreases in applications made to the OAIC (37 fewer applications than in 2022–23), Home Affairs (33 fewer applications), the Federal Court of Australia (19 fewer) and Sports Integrity Australia (10 fewer).

Of the 808 applications for an internal review, 347 (43%) sought review of decisions made in response to requests for personal information and 461 (57%) were for review of decisions on other (non-personal) information requests. Because 68% of all FOI decisions made in 2023–24 related to requests for access to personal information, this indicates that FOI applicants seeking access to personal information are less likely to seek internal review than those seeking to access other (non-personal) information.

Agencies finalised 748 internal reviews in 2023–24, 10% fewer than in 2022–23. This reflects the smaller number of applications for internal review made during 2023–24. The outcomes of these applications, including a comparison with outcomes in 2022–23, are:

- 411 (55%) affirmed the original decision (this was 58% in 2022–23)
- 60 (8%) set aside the original decision and granted access in full (23% in 2022–23)
- 188 (25%) granted access in part (8% in 2022–23)
- 14 (2%) granted access after deferment (0% in 2022–23)
- 22 (3%) granted access in another form (1% in 2022–23)
- 19 (3%) resulted in lesser access (2% in 2022–23)
- 26 (3%) were withdrawn by applicants without concession by the agency (5% in 2022–23)
- 8 (1%) reduced the charges levied (3% in 2022–23).

## Internal review of amendment decisions

In 2023–24, 16 applications for internal review of amendment decisions were received by 6 agencies (one more application than 2022–23). Of these, 10 applications were made to Home Affairs (which received 7 in 2022–23), 2 to Defence and one each to ABS, ATO, the Department of Health and Aged Care, and Services Australia.

Fourteen internal review decisions were made during the reporting year (10 were made in 2022–23). Of these 14 internal review decisions, 6 granted the requested amendment or annotation (43%) and 8 decisions refused the requested alteration (57%).

## Information Commissioner (IC) review

Table E.12 provides an agency breakdown of IC review applications received by the OAIC in 2023–24 (for the top 20 agencies and overall).

There were 1,766 applications for IC review in 2023–24 (a 7% increase from 1,649 in 2022–23). This is the second highest number of IC review applications received by the OAIC in a year (in 2021–22 the OAIC received 1,954 IC review applications).

Agencies that receive the most FOI requests generally have the most IC review applications lodged against their decisions. In 2023–24, 13 of the 20 agencies in Table E.12 (top 20 by IC reviews received) are also in the top 20 agencies for the number of FOI requests received (Table E.2).

**Table E.12: Information Commissioner review – top 20 agencies ranked by the number of IC review applications received in 2023–24**

Agency/minister	FOI requests received	Access grant applications	Access refusal applications	Total IC reviews applications	% of FOI requests
Department of Home Affairs	11,902	0	661	661	6
Department of Veterans' Affairs	1,806	0	198	198	11
Department of Defence	989	0	108	108	11
Services Australia	4,750	0	83	83	2
National Disability Insurance Agency	1,381	0	77	77	6
Australian Federal Police	712	0	64	64	9
Australian Taxation Office	924	0	46	46	5
Attorney-General's Department	438	0	31	31	7
Department of Health and Aged Care	605	3	25	28	5
Department of Foreign Affairs and Trade	504	1	25	26	5
Department of the Prime Minister and Cabinet	339	2	23	25	7
Comcare	172	4	19	23	13
Australian Public Service Commission	94	0	22	22	23
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	356	0	20	20	6
Commonwealth Ombudsman	108	1	18	19	18
Department of Climate Change, Energy, the Environment and Water	308	1	14	15	5
Department of Industry, Science and Resources	199	0	14	14	7
Department of Social Services	177	0	13	13	7
Australian Criminal Intelligence Commission	55	0	10	10	18
Minister for Government Services	15	0	10	10	67
<b>Total Top 20</b>	<b>25,834</b>	<b>12</b>	<b>1,481</b>	<b>1,493</b>	<b>6</b>
Others	8,872	20	253	273	3
<b>Total</b>	<b>34,706</b>	<b>32</b>	<b>1,734</b>	<b>1,766</b>	<b>5</b>



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Table E.12 also highlights the percentage of FOI requests that resulted in an IC review application in 2023–24 for each of the top 20 agencies. Although there was a decrease in the number of IC review applications made in relation to FOI decisions by Home Affairs (37 fewer applications than in 2022–23) and the OAIC (53 fewer than 2022–23) this was offset by significant increases in the number of IC review applications made in relation to FOI decisions made by DVA (131 more, a 196% increase over 2022–23) and Defence (63 more, a 140% increase on the previous year).

When an agency fails to make a decision on an FOI request within the statutory timeframes in the FOI Act, the request is deemed to have refused and the applicant may apply for IC review (the FOI Act does not allow for internal review of a deemed access refusal decision).

In 2023–24, 60% of all IC review applications involved deemed access refusal decisions. More than 50% of all IC review applications for 7 agencies involved deemed access refusal decisions. These agencies are:

- Home Affairs – 573 of 661 IC review applications related to deemed access refusal decisions (87% of all IC review applications that named Home Affairs as the respondent)
- NDIA – 54 of 77 IC review applications involved deemed refusal decisions (70%)
- DVA – 137 of 198 applications (69%)
- AFP – 37 of 64 applications (58%)
- Commonwealth Ombudsman – 11 of 19 applications (58%)
- AGD – 16 of 31 applications (52%)
- Defence – 54 of 108 applications (50%).

On average, 65% of all IC review applications that named an agency in the top 20 as the respondent (Table E.12) were the result of deemed access refusal decisions. Only 32% of IC review applications for the other agencies were the result of deemed access refusals.

There was a 15% increase in the number of IC reviews finalised by the OAIC in 2023–24 (1,748), compared with 2022–23 (when 1,518 were finalised). Since 2016–17, there have been year-on-year increases in the number of IC reviews finalised, and the number

finalised by the OAIC in 2023–24 is the highest number on record.

In 2023–24, 207 IC review decisions were made under s 55K of the FOI Act (a 204% increase compared with 2022–23, when 68 s 55K decisions were made). Decisions under s 55K of the FOI Act comprised 12% of all IC reviews finalised in 2023–24.

In 2023–24, 142 IC reviews were declined under s 54W(a) (lacking in substance, failure to cooperate, or lost contact) (8% of the total reviews finalised), compared to 128 in 2022–23 (also 8% of the total).

The number of IC reviews declined under s 54W(c) (fail to comply with a direction of the Information Commissioner) increased from 66 in 2022–23 (4% of the total finalised) to 403, 23% of the total number of reviews finalised in 2023–24. This increased use of s 54W(c) reflects a practice of using that section, rather than s 54W(a)(iii) (lost contact) to decline to undertake a review (this practice was codified in the Procedure Directions<sup>20</sup> issued by the Information Commissioner on 1 July 2024) as well as requiring responses to be made within certain timeframes.

There were 112 IC reviews declined under s 54W(b) (decision to be considered by the AAT) compared with 93 in 2019–20 (a 20% increase that reflects the increase in finalisations in 2023–24). Declines under s 54W(b) comprised 6% of all the IC reviews finalised in 2023–24. Of the 112 IC reviews declined under s 54W(b), 8 (7%) related to FOI decisions made by the OAIC. Part 10.88 of the FOI Guidelines states that the Information Commissioner may decline to undertake a review under s 54W(b) if there may be a perceived or actual conflict of interest in the Commissioner undertaking review, including where the FOI request under review was made to, or decided by, the Information Commissioner or the Information Commissioner’s delegate.

In total, 649 IC reviews were closed under s 54R as withdrawn (37% of the total finalised), which is less than in 2022–23 when 879 were withdrawn (58% of the total finalised). This decrease in withdrawals may be

<sup>20</sup>Australian Information Commissioner ‘[Direction as to certain procedures to be followed by agencies and ministers in Information Commissioner reviews](#)’ and ‘[Direction as to certain procedures to be followed by applicants in Information Commissioner reviews](#)’ 1 July 2024.

impacted by the increased use of s 54W(c) to decline to undertake IC reviews on the basis that the applicant did not comply with a direction to provide information within certain timeframes.

In 2022–23, 516 of the IC review applications that were withdrawn followed the agency or minister making a revised decision to provide further access to documents under s 55G of the FOI Act. The number withdrawn following a s 55G decision decreased to 300 in 2023–24 (42% less). This is because during the year the OAIC updated its guidance for agencies and

ministers to say that unless they intended releasing all the requested documents, they should not make a s 55G decision but make submissions that they no longer maintain certain documents are exempt. The IC review application would then proceed to a s 55K decision on that basis. This resulted in fewer s 55G decisions being made and consequently fewer IC review applications were withdrawn for this reason.

Of the 300 IC review applications withdrawn following a s 55G decision, 80% (241) involved applications for IC review of a deemed access refusal decision.

**Table E.13: Information Commissioner review outcomes**

Information Commissioner decisions	2022–23	% of 2022–23 total	2023–24	% of 2023–24 total
Section 54N – out of jurisdiction	282	19	231	13
Section 54R – withdrawn	797	53	637	36
Section 54R – withdrawn/conciliated	82	5	12	1
Section 54W(a)(i) – frivolous, vexatious, misconceived, lacking in substance, or not in good faith	23	2	86	5
Section 54W(a)(ii) – failure to cooperate	58	4	20	1
Section 54W(a)(iii) – lost contact	47	3	36	2
Section 54W(b) – refer AAT	93	6	112	6
Section 54W(c) – failure to comply	66	4	403	23
Section 55F – set aside by agreement	1	<0.5	2	<0.5
Section 55F – varied by agreement	1	<0.5	1	<0.5
Section 55F – affirmed by agreement	0	0	1	<0.5
Section 55K – affirmed by IC	11	1	62	4
Section 55K – set aside by IC	48	3	125	7
Section 55K – varied by IC	9	1	20	1
<b>Total</b>	<b>1,518</b>	<b>100</b>	<b>1,748</b>	<b>100</b>



## Review by the Administrative Appeals Tribunal

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

- a decision of the Information Commissioner under s 55K
- an IC reviewable decision (that is, an original decision or an internal review decision), but only if the Information Commissioner decides, under s 54W(b), that the interests of the administration of the FOI Act make it desirable that the decision be considered by the AAT directly.

In 2023–24, 97 applications for review of FOI decisions were filed with the AAT. This is a 20% increase from 2022–23, when 54 applications were made to the AAT. However it is relevant to note the 204% increase in the number of formal decisions made by the Information Commissioner under s 55K of the FOI Act (which are reviewable in the AAT).

Table E.14 provides a breakdown, by agency, of applications to the AAT in relation to FOI decisions in 2023–24. This data has been provided by the AAT.

As noted in the section on IC review applications, the Information Commissioner will decline to undertake an IC review of an FOI decision made by the OAIC due to a perceived or actual conflict of interest in reviewing a decision made by the Information Commissioner or the Information Commissioner’s delegate. As a result, the only review option for these applicants lies with the AAT.

In 2023–24, 9 agencies sought AAT review of decisions made by the Information Commissioner under s 55K of the FOI Act: the Australian Criminal Intelligence Commissioner, the ATO, the Australian War Memorial, Comcare, Department of Employment and Workplace Relations, the Department of Health and Aged Care, PM&C and NBN Co Limited all made one application, and Home Affairs made 6 applications.

At the end of 2023–24, 102 applications remained outstanding with the AAT. This is a 44% increase on the number of applications outstanding at the end of 2022–23, when there were 71.

Table E.15 shows the outcome of the 69 FOI reviews finalised by the AAT in 2023–24, compared with the previous reporting year. The AAT provided this data.

Four of the 69 reviews finalised by the AAT in 2023–24 involved applications made by agencies against decisions made by the Information Commissioner under s 55K of the FOI Act. Two were varied/set aside/remitted by decision and 2 were varied/set aside/remitted by consent.

**Table E.14: AAT review by agency (respondent)**

Respondent	Applications <sup>21</sup>	Respondent	Applications <sup>21</sup>
Australian Information Commissioner	15	Attorney-General's Department	1
Minister for Government Services	10	Australian Financial Security Authority	1
Department of Climate Change, Energy, the Environment and Water	8	Australian National University	1
Department of Health and Aged Care	4	Australian Securities and Investments Commission	1
Department of Home Affairs	4	Australian Skills Quality Authority	1
Australian Submarine Agency	3	Bureau of Meteorology	1
Australian Taxation Office	3	Civil Aviation Safety Authority	1
Department of Defence	3	Commonwealth Director of Public Prosecutions	1
Services Australia	3	Commonwealth Ombudsman	1
Australian Criminal Intelligence Commission	2	Commonwealth Scientific and Industrial Research Organisation	1
Australian Federal Police	2	Department of Foreign Affairs and Trade	1
Comcare	2	Department of the Prime Minister and Cabinet	1
Department of Employment and Workplace Relations	2	Minister for Communications	1
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	2	Minister for Immigration, Citizenship and Multicultural Affairs	1
IP Australia	2	Repatriation Commission	1
Tertiary Education Quality and Standards Agency	2	Other (appeals by agencies against IC review decisions)	14
Administrative Appeals Tribunal	1	<b>Total</b>	<b>97</b>

<sup>21</sup> These applications may be made in relation to a decision by the Information Commissioner under s 55K of the FOI Act, or they may be the result of the Information Commissioner exercising the discretion in s 54W(b) of the FOI Act to allow the decision to be considered by the AAT.

**Table E.15: Outcomes of FOI reviews finalised by the AAT**

AAT outcomes	Number in 2022–23	% of total 2022–23	Number in 2023–24	% of total 2023–24
Affirmed by consent	4	6	1	1
Varied/set aside/remitted by consent	21	30	12	17
Dismissed by consent	3	4	1	1
Withdrawn by applicant	5	7	22	32
Decision affirmed	22	32	16	23
Decision varied/set aside	5	7	4	6
Dismissed	3	4	0	0
Dismissed – non-reviewable decision/ no jurisdiction	6	9	13	19
<b>Total<sup>22</sup></b>	<b>69</b>	<b>100</b>	<b>69</b>	<b>100</b>

## Impact of FOI on agency resources

To assess the impact on agency resources of compliance with the FOI Act, agencies are asked to estimate the hours staff spent on FOI matters and the non-labour costs directly attributable to FOI, such as legal and FOI training costs. Agencies submit these estimates annually. Agency estimates may also include FOI processing work undertaken on a minister’s behalf.

Agencies are also asked to report their costs of compliance with the Information Publication Scheme (IPS). To facilitate comparison with information in previous annual reports, IPS costs are not included in the analysis of the cost of agency compliance with the FOI Act, but are discussed separately.

The total reported cost attributable to processing FOI requests in 2023–24 was \$86.24 million, a 23% increase over the previous financial year’s total of \$70.33 million. In 2022–23, there was a 9% increase in total FOI costs compared with the previous year (when FOI costs were \$64.56 million).

The 23% increase in total FOI costs in 2023–24 occurs in the context of Australian Government agencies and ministers receiving and deciding similar numbers of FOI requests in 2022–23 (in 2022–23 there was a 9% increase in total costs over the previous year). This increase in total costs has resulted in the average cost for each request decided increasing 22% in 2023–24 (to \$4,040).

The most significant factor driving increased FOI costs in 2023–24 is the amount of time spent deciding FOI requests. Average staff days per request have been rising steadily for the past 10 years and is a more significant contributor to the overall rise in the cost of FOI than increases in the cost of staff (for example, wages) and non-labour costs.

The average staff days for each FOI request received in 2023–24 was 4.2 days, which is 20% higher than in 2022–23 (when it was 3.5 days). In 2021–22 this was 3.3 days. The total staff hours devoted to FOI was 20% higher in 2023–24 (1,087,650 hours) than in 2022–23 (903,492 hours).

<sup>22</sup> Percentages will always add to 100% however the sum of the rows may not add to 100% due to rounding to the nearest whole number.

However, some of the more recent increases in staff hours may be the result of the way agencies have been reporting work undertaken by contractors engaged to undertake routine FOI processing work. Agencies may engage contractors to process FOI requests due to surges in the number of FOI requests they receive or to assist when staff are on leave or recruitment processes are underway. Use of contractors to undertake routine FOI work increased markedly during the COVID-19 pandemic and has remained high ever since.

Because contractors processing FOI requests are doing work that ordinarily would be done by agency staff, it is the OAIC's view that the work they perform should be recorded as hours worked by agency staff and not as non-labour expenditure. This point is made clear in the FOI Statistics Guide, (which provides information to assist agencies enter statistics relating to their FOI activity on the FOI statistics database) which says agencies are to record contractor costs as staff costs in the relevant part of the database.

However, despite this guidance, some agencies have continued to record contractor costs as non-labour

expenditure (either in the categories of general legal advice or 'other' non-labour expenditure). Over the past 2 reporting years the OAIC has scrutinised reported non-labour expenditure and worked with agencies to ensure their staffing and costs are correctly reported. As a result, there has been an increase in the average staff days reported to process each FOI request.

However, it is worth noting that the increase in the time taken to decide each request pre-dates the widespread use of contractors to perform routine FOI work. This may be the result of agencies increasingly providing digital and self-service options for people to access their own personal information, which removes requests that are quick to process from the FOI system (and as noted earlier in this Appendix, there has been an overall increase in the proportion of other (non-personal) FOI requests which are generally more complex to process).

Table E.16 sets out the average cost per FOI request decided (granted in full, in part or refused) for the last 8 years.

**Table E.16: Average cost per request determined**

Year	Requests decided	Total cost (\$)	Total cost (% change)	Average cost/request decided (\$)	Change in average cost/request decided (%)
2023-24	21,347	86,235,699	23	4,040	22
2022-23	21,228	70,328,374	9	3,313	30
2021-22	25,303	64,559,531	5	2,551	11
2020-21	26,680	61,484,795	-4	2,305	6
2019-20	29,358	63,906,111	7	2,177	10
2018-19	30,144	59,844,953	15	1,985	20
2017-18	31,674	52,186,180	17	1,648	25
2016-17	34,029	44,787,154	9	1,316	6

## Staff costs (FOI)

All agencies are asked to supply information about staff resources allocated to FOI.

Agencies provide estimates of the number of staff hours spent on FOI to enable the calculation of salary costs directly attributable to FOI request processing (an additional 60% related costs, which covers overheads such as computers, electricity and stationery is then added).

A summary of staff costs is provided in Table E.17, based on information provided by agencies and ministers, and is calculated using the following median base annual salaries from the Australian Public Service Commission's Remuneration Report for 2023:<sup>23</sup>

- FOI contact officer (officers whose duties included FOI work) \$84,880<sup>24</sup>
- Other officers involved in processing requests:
  - Senior Executive Service (SES) officers (or equivalent) \$226,361<sup>25</sup>
  - APS Level 6 and Executive Levels (EL) 1–2 \$124,505<sup>26</sup>
  - Australian Public Service (APS) Levels 1–5 \$67,438<sup>27</sup>
- Minister's office:
  - Minister and advisers \$156,197<sup>28</sup>
  - Minister's support staff \$67,438<sup>29</sup>

In 2023–24, staff costs were 25% higher than in 2022–23 (\$81.66 million, compared with \$65.34 million in 2022–23). Non-labour costs were 8% lower than 2022–23 (\$4,578,395 compared with \$4,985,911 in 2022–23).

The average cost for each request decided in 2023–24 was \$4,040 compared with \$3,313 in 2022–23, a 22% increase.

<sup>23</sup> Because salary levels differ between agencies, median salary levels have been used. These are published by the Australian Public Service Commission in its APSC Remuneration Data 2023. These median levels are as at 31 December 2023.

<sup>24</sup> APS Level 5 base salary median.

<sup>25</sup> SES Band 1 base salary median.

<sup>26</sup> Executive Level 1 base salary median.

<sup>27</sup> APS Level 3 base salary median.

<sup>28</sup> Executive Level 2 base salary median.

<sup>29</sup> APS Level 3 base salary median.

## Non-labour costs

Non-labour costs directly attributable to FOI in 2023–24 are summarised in Table E.19, including the percentage change from the previous financial year.

Total non-labour costs were \$4.58 million in 2023–24, which is 8% less than the previous financial year (when total non-labour costs were \$4.99 million).

Although total legal expenditure and training costs increased in 2023–24, this was offset by a decrease in general administrative costs and a significant decline in 'other' costs.

Overall, legal expenditure was 31% higher in 2023–24 than the previous year. Litigation expenses increased 35% (from \$1,095,140 in 2022–23 to \$2,571,507). General legal advice costs increased 25%, from 1,095,140 in 2022–23 to \$1,371,054 in 2023–24.

The most significant reason for the decline in non-labour costs in 2023–24 was an 86% decrease in costs recorded as 'other'. 'Other' expenditure is intended to be used for unusual costs that are not covered by the other categories of non-labour expenditure.

As noted earlier in this Appendix, some agencies had been reporting expenditure on contractors performing routine FOI processing work as a non-labour cost (generally in the 'other' category but sometimes as general legal advice). The OAIC has worked with agencies to ensure that kind of spending is incorporated into the hours worked by staff on requests and not as non-labour costs. The decrease in 'other' expenditure is therefore the result of more accurate recording of non-labour expenditure and is not indicative of any significant change in agency spending.

However, despite the overall decrease in non-labour expenditure in 2023–24, some agencies reported significant increases. For example, DVA reported 806% more in non-labour costs in 2023–24 (\$232,530) than in 2022–23 (\$25,679). However, this is because DVA did not report any general legal advice or litigation expenditure in 2022–23 (this may have been due to a reporting error).

Services Australia reported \$740,870 in non-labour costs in 2023–24 compared with \$312,841 in 2022–23, a 137% increase. The largest increases by Services Australia were for general legal advice (a 314% increase) and litigation costs (a 134% increase).

**Table E.17: Total FOI staffing across all Australian Government agencies**

Staffing	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24
Total staff hours	840,803	893,564	855,498	851,290	903,492	1,087,650
% change in total staff hours	13	6	–4	<0.5	6	20
Total staff years	420.40	446.78	427.75	425.65	451.75	543.83
% change in total staff years	13	6	–4	<0.5	6	20

**Table E.18: Estimated staff costs of FOI in 2023–24 compared to 2022–23**

Type of staff	Staff hours 2022–23	Total staff costs 2022–23 (\$)	Staff hours 2023–24	Total staff costs 2023–24 (\$)	% change in total staff costs
FOI contact officers	725,462	48,576,936	849,710	57,698,708	19
SES	34,450	6,064,633	46,218	8,369,562	38
APS Level 6 and EL 1–2	63,743	6,223,561	109,530	10,909,626	75
APS Levels 1–5	77,006	4,150,192	78,315	4,225,126	2
Minister and advisers	2,605	314,961	3,452	431,354	37
Minister’s support staff	226	12,180	425	22,929	88
<b>Total</b>	903,492	<b>65,342,463</b>	1,087,650	<b>81,657,304</b>	<b>25</b>

**Table E.19: Identified non-labour costs of FOI 2018–19 to 2023–24**

Costs	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24	% change <sup>30</sup>
<b>Total legal costs</b>	<b>1,931,760</b>	<b>1,631,269</b>	<b>2,088,755</b>	<b>3,165,875</b>	<b>3,003,802</b>	<b>3,942,561</b>	<b>31</b>
General legal advice costs	1,517,125	719,718	834,454	1,087,999	1,095,140	1,371,054	25
Litigation costs	414,635	911,551	1,254,301	2,077,876	1,908,662	2,571,507	35
<b>General administrative costs</b>	<b>144,140</b>	<b>136,634</b>	<b>94,678</b>	<b>91,920</b>	<b>159,855</b>	<b>110,007</b>	<b>–31</b>
<b>Training</b>	<b>385,745</b>	<b>168,339</b>	<b>276,042</b>	<b>293,624</b>	<b>268,237</b>	<b>311,403</b>	<b>16</b>
<b>Other</b>	<b>263,206</b>	<b>242,585</b>	<b>348,097</b>	<b>447,345</b>	<b>1,554,017</b>	<b>214,424</b>	<b>–86</b>
<b>Total non-labour costs</b>	<b>2,724,851</b>	<b>2,178,827</b>	<b>2,807,572</b>	<b>3,998,764</b>	<b>4,985,911</b>	<b>4,578,395</b>	<b>–8</b>

<sup>30</sup>Percentage change from 2022–23 to 2023–24.



The Department of Health and Aged Care spent 316% more on non-labour expenditure in 2023–24 (\$112,665) than in 2022–23 (\$27,102). The Department’s expenditure on general legal advice was 474% higher (\$54,500 compared with \$9,502 in 2022–23) and its expenditure on litigation was \$42,996 (no litigation expenditure was reported in 2022–23).

As reported last year, Home Affairs included contractor costs in the ‘other’ category of expenditure in 2022–23. This year expenditure on contractors was correctly reported as staff hours worked. As a result, Home Affairs reported a 79% decrease in non-labour expenditure (from \$1,589,471 in 2022–23 to \$327,043 in 2023–24).

Services Australia reported the largest spend in the Australian Government on FOI litigation with \$658,988 (135% more than in 2022–23 when it reported \$280,649). DCCEEW had the next highest litigation spend with \$325,249 (a 103% increase from 2022–23 when it reported \$160,152 in litigation expenses).

AGD was the agency with the highest general legal advice expenditure in 2023–24. AGD reported spending \$179,042 on general legal advice in 2023–24 (compared with \$6,986 in 2022–23, a 2,463% increase). The AFP had the next highest general legal advice spend at \$141,123 (a 1% decrease on 2022–23 when it spent \$142,972 on general legal advice).

Data provided by the AAT (Table E.14) indicates that some of these legal and litigation expenses may be due to applications relating to FOI decisions in 2023–24.

Defence, which consistently spends the most of any agency on FOI training, spent \$138,720 in 2023–24 (a 6% reduction on 2022–23 when it incurred \$167,193 on FOI training). DVA had the next highest FOI training spend at \$25,000. DVA did not report any expenditure on FOI training in 2022–23.

### Average cost per FOI request

The overall average cost per request decided was \$4,040, 22% higher than in 2022–23 when it was \$3,313.

Generally, the agencies with the highest average cost per request are small agencies that do not receive many FOI requests. As a result, they do not have the opportunity to develop the processing efficiencies that agencies with higher volumes of FOI requests do. However, some large departments that process

significant numbers of FOI requests had an average cost of more than \$10,000 per request decided in 2023–24.

**Table E.20: Agencies with an average cost per FOI request decided more than \$10,000**

Agency	Requests decided	Average cost per request (\$)
Australian Financial Security Authority	18	79,629
Digital Transformation Agency	13	58,257
National Reconstruction Fund Corporation	9	40,551
Department of Employment and Workplace Relations	73	29,926
Australian Submarine Agency	25	23,227
Department of Industry, Science and Resources	106	21,832
Grains Research and Development Corporation	2	17,689
Norfolk Island Regional Council	3	15,124
Australian Bureau of Statistics	16	15,078
Department of the Prime Minister and Cabinet	234	15,044
Tourism Australia	4	12,800
Department of Education	43	12,492
Fair Work Ombudsman	52	12,360
National Capital Authority	7	11,193
Department of Agriculture, Fisheries and Forestry	81	11,192
Australian Radiation Protection and Nuclear Safety Agency	13	11,126
Clean Energy Regulator	29	10,559
Northern Australian Infrastructure Facility	6	10,160
<b>Total</b>	<b>734</b>	<b>19,353</b>

## Impact of the Information Publication Scheme on agency resources

Agencies are required to provide information about the costs of meeting their obligations under the IPS.

The total reported cost attributable to compliance with the IPS in 2023–24 was \$1,356,551, 12% more than 2022–23 (\$1,210,393). This increase followed a 22% increase in the cost attributable to IPS in 2022–23.

Every 5 years, agencies are required to complete a review of the operation of the IPS in the agency in conjunction with the OAIC (s 9 of the FOI Act). The OAIC undertook a review of agencies compliance with their IPS operations in 2023–24 by way of an agency survey. As a result, it is to be expected that costs associated with the IPS would increase in 2023–24.

### Staff costs (IPS)

Table E.21 shows the total reported IPS staffing across Australian Government agencies compared with 2022–3.

The 5 agencies that reported the highest number of hours spent on IPS work in 2023–24, all reported spending fewer hours on IPS work than in 2022–23. These agencies are:

**Table E.21: Total IPS staffing – 2022–23 and 2023–24**

Staffing	2022–23	2023–24	% change
Staff numbers: 75–100% time on IPS matters	13	14	8
Staff numbers: less than 75% time on IPS matters	258	394	53
Total staff hours	17,729	19,002	7
Total staff years	8.9	9.5	7%

- Services Australia – 6,880 hours of IPS work, a 5% decrease in hours compared with 2022–23
- Productivity Commission – 4,280 hours on IPS work, the same number of hours as reported in 2022–23
- Home Affairs – 900 hours of IPS work, a 53% decrease on hours reported in 2022–23
- Education – 700 hours of IPS work, a 13% decrease on hours reported in 2022–23
- Defence Housing Australia – 650 hours of IPS work, a 35% decrease on hours reported in 2022–23.

**Table E.22: Estimated staff costs in relation to the IPS in 2023–24**

Type of staff <sup>31</sup>	Staff hours	Salary costs (\$)	Related costs (\$) (60%)	Total staff costs (\$)
IPS contact officers	17,012	721,989	433,194	1,155,183
SES	377	42,669	25,601	68,270
APS Level 6 and EL 1–2	972	60,509	36,306	96,815
APS Levels 1–5	641	21,614	12,968	34,582
<b>Total</b>	<b>19,002</b>	<b>846,782</b>	<b>508,069</b>	<b>1,354,851</b>

<sup>31</sup> IPS contact officers are officers whose usual duties include IPS work. The other rows cover other officers involved in IPS work.



## Non-labour IPS costs

Reported IPS non-labour costs for all agencies totalled \$1,700 in 2023–24, an 8% decrease on expenditure in 2022–23, when non-labour costs were reported as \$1,840. Only 3 agencies reported any non-labour expenditure on their IPS during 2023–24.

There was a 17% reduction in general administrative expenses associated with IPS administration in 2023–24 (\$840 was reported in 2022–23, \$700 was reported in 2023–24). General legal advice costs associated with the IPS were \$1,000 (no general legal advice costs were reported in 2022–23). No costs were reported in relation to FOI training in 2023–24 (\$1,000 was reported in 2022–23).

Three agencies reported a total of \$700 in general administrative costs associated with IPS compliance (Creative Australia, the National Library of Australia and the National Reconstruction Fund Corporation). The National Reconstruction Fund Corporation also reported \$1,000 on general legal advice costs associated with IPS. No agencies reported any expenditure on IPS litigation, IPS training or ‘other’ costs associated with their IPS.

# Appendix F: Survey results and methodology

## Performance Summary

The Office of the Australian Information Commissioner (OAIC) has conducted its second stakeholder survey, following on from the benchmark survey in 2023 (for more information on the survey methodology please see pages 179–181). This stakeholder survey measures the OAIC's performance on 6 measures in accordance with the key activities outlined in the *Corporate plan 2023–24*.

An index score has been calculated for each of the six performance measures, based on the average performance rating of the relevant sub-measures. Index scores have been re-proportioned so that scores range from 0 to 100, with 100 representing the highest possible score.

Scores for each performance measure are summarised in Table F.1.

**Table F.1: OAIC performance measure index results 2023 and 2024**

Key activity	Performance measure	2023 baseline score	2024 score
<b>Influence and uphold privacy and information access rights frameworks</b>	Effectiveness of the OAIC's contribution to the regulation of the Consumer Data Right as measured by stakeholder feedback.	67	71
<b>Advance online privacy protections for Australians</b>	Effectiveness of the OAIC's contribution to the advancement of online privacy protections and policy advice as measured by stakeholder feedback.	61	60
<b>Encourage and support proactive disclosure of government information</b>	Effectiveness of OAIC's advice and guidance on the operation of the FOI Act and the Information Publication Scheme in supporting government agencies to provide public access to government held information as measured by stakeholder feedback.	60	56
<b>Contemporary approach to regulation</b>	Stakeholder assessment of the extent to which the OAIC's regulatory activities demonstrate a commitment to continuous improvement and building trust.	60	63
	Stakeholder assessment of the extent to which the OAIC's regulatory activities demonstrate collaboration and engagement.	58	58
	Stakeholder assessment to the extent to which the OAIC's regulatory activities are risk based and data driven.	51	56

The OAIC has further strengthened its index score for the effective contribution to the regulation of the Consumer Data Right (CDR) in 2024, with a score of 71 representing an increase of 4 index points since 2023.

Other performance measures that have improved include the extent to which the OAIC's regulatory activities demonstrate a commitment to continuous improvement and building trust (+3 index points), and are risk based and data driven (+4 index points).

The only performance measure which has declined is the effectiveness of OAIC's advice and guidance on the operation of the FOI Act and the Information Publication Scheme in supporting government agencies to provide public access to government held information (–4 index points).

## Performance measures results

The OAIC’s performance can be further analysed by evaluating stakeholder ratings for the sub-measures that constitute the index scores achieved for each of the six performance measures. The following sections provide a more detailed breakdown of the index scores, including a summary of the results achieved for the sub-measures that underpin each performance area.

### 1 – Influence and uphold privacy and information access rights frameworks

Performance measure	2023 baseline score	2024 score
Effectiveness of the OAIC’s contribution to the regulation of the Consumer Data Right as measured by stakeholder feedback	67 / 100	71 / 100

The overall index score for the OAIC’s contribution to the regulation of the Consumer Data Right (CDR) is 71 out of 100, up four points from the baseline score of 67.

Effectiveness of the OAIC’s contribution to the regulation of the CDR is measured through an external stakeholder survey. The index measure has been constructed based on the average performance rating for the 7 sub-measures that underpin this performance area (see Figure F.1). Each of these sub-measures use a 5-point scale, ranging from (5) strongly agree to (1) strongly disagree.

Reported results are based on the ratings provided by stakeholders whose professional role involves regular engagement with the OAIC’s CDR function. In total, 8 stakeholders met this definition for 2024. Due to the small sample size caution should be taken when interpreting the results and they should be viewed as indicative only.

The highest average scores achieved by the OAIC in terms of this performance measure relate to:

- OAIC collaborating well with other Consumer Data Right agencies (4.50 out of 5)
- OAIC effectively handling notifications of eligible data breaches related to Consumer Data Right data (4.33 out of 5)
- OAIC effectively handling complaints related to the Consumer Data Right (4.17 out of 5)

All 3 of these sub-measure scores improved from that of 2023.

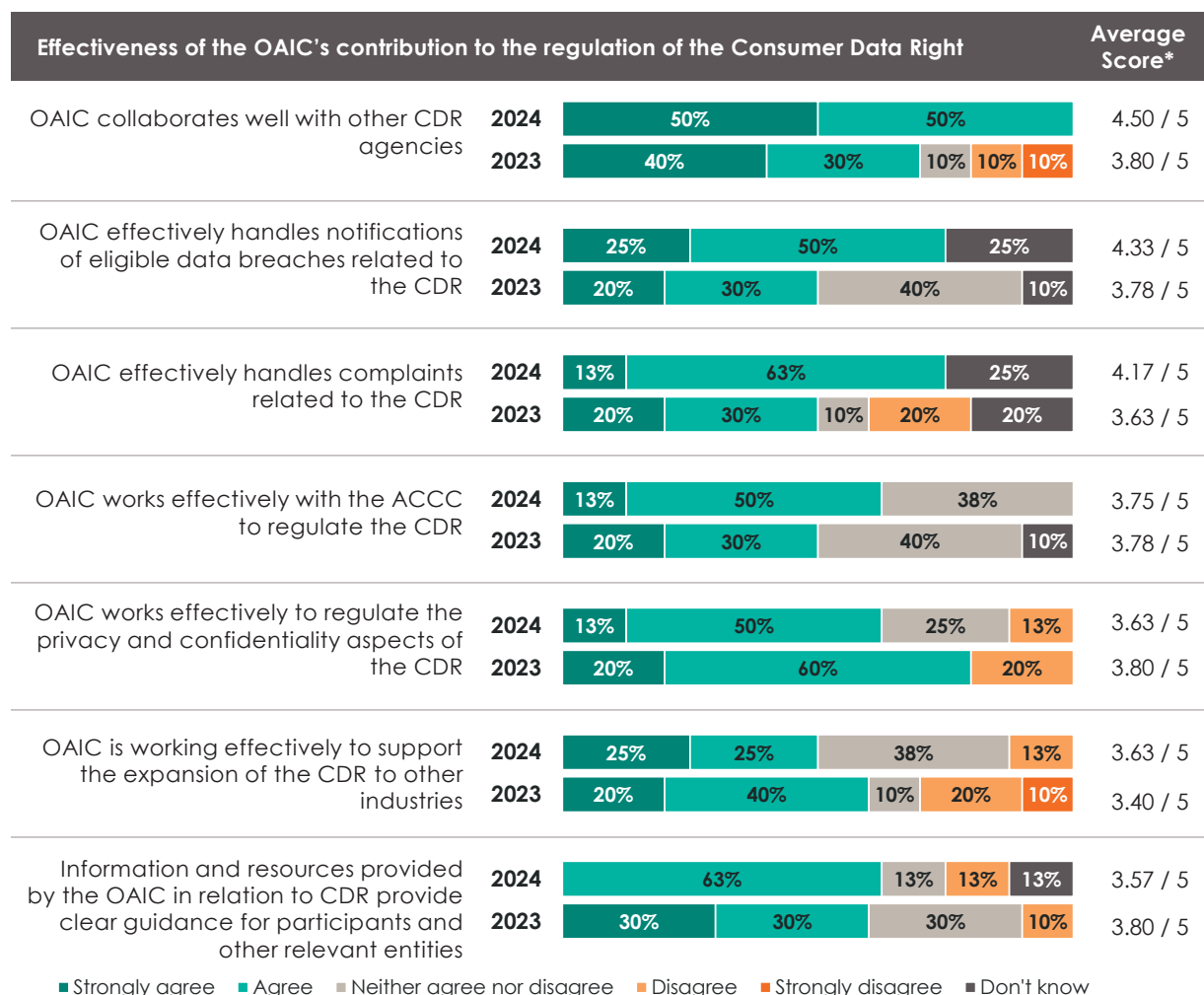
Perceptions of the information and resources provided by the OAIC in relation to the Consumer Data Right providing clear guidance have gone from being a relative strength (3.80 out of 5 in 2023) to the lowest rated of the sub-measures (3.57 out of 5). This is largely because the depth of agreement with this statement has subsided, with no ‘strongly agree’ responses provided in 2024.

Qualitative analysis of verbatim responses collected in relation to the effectiveness of the OAIC’s contribution to the regulation of the CDR reveals that stakeholders who provided positive ratings (satisfied or very satisfied) most frequently mention active, collaborative and effective engagement from the OAIC. Other positive sentiments include good quality information, and timeliness from the OAIC as well as value placed on its views and expertise. Stakeholders who rated OAIC’s performance more negatively (dissatisfied or very dissatisfied) have similar feedback to that of 2023, describing the OAIC’s regulation of the CDR as impractical, saying the OAIC could be more strategic and targeted in its approach.

### 2 – Advance online privacy protections for Australians

Performance measure	2023 baseline score	2024 score
Effectiveness of the OAIC’s contribution to the advancement of online privacy protections and policy advice as measured by stakeholder feedback.	61 / 100	60 / 100

**Figure F.1: Sub-measure ratings for the effectiveness of the OAIC’s contribution to the regulation of the Consumer Data Right<sup>1</sup>**



Base: 2023 CDR Stakeholders n=10, 2024 CDR Stakeholders n=8. Caution low base. | Source: D1 To what extent to do agree or disagree with the following statements? | Labels for data points <4% not shown for ease of legibility | \*Average excludes don't know responses

The overall index score for the OAIC’s contribution to the advancement of online privacy protections and policy advice is 60 out of 100, in line with the baseline score achieved in 2023 (61).

Effectiveness of the OAIC’s contribution to the advancement of online privacy protections and policy advice is measured through an external stakeholder survey. The index measure has been constructed based on the average performance rating for the 8 sub-measures that underpin this performance area (see Figure F.2). Each of these sub-measures use

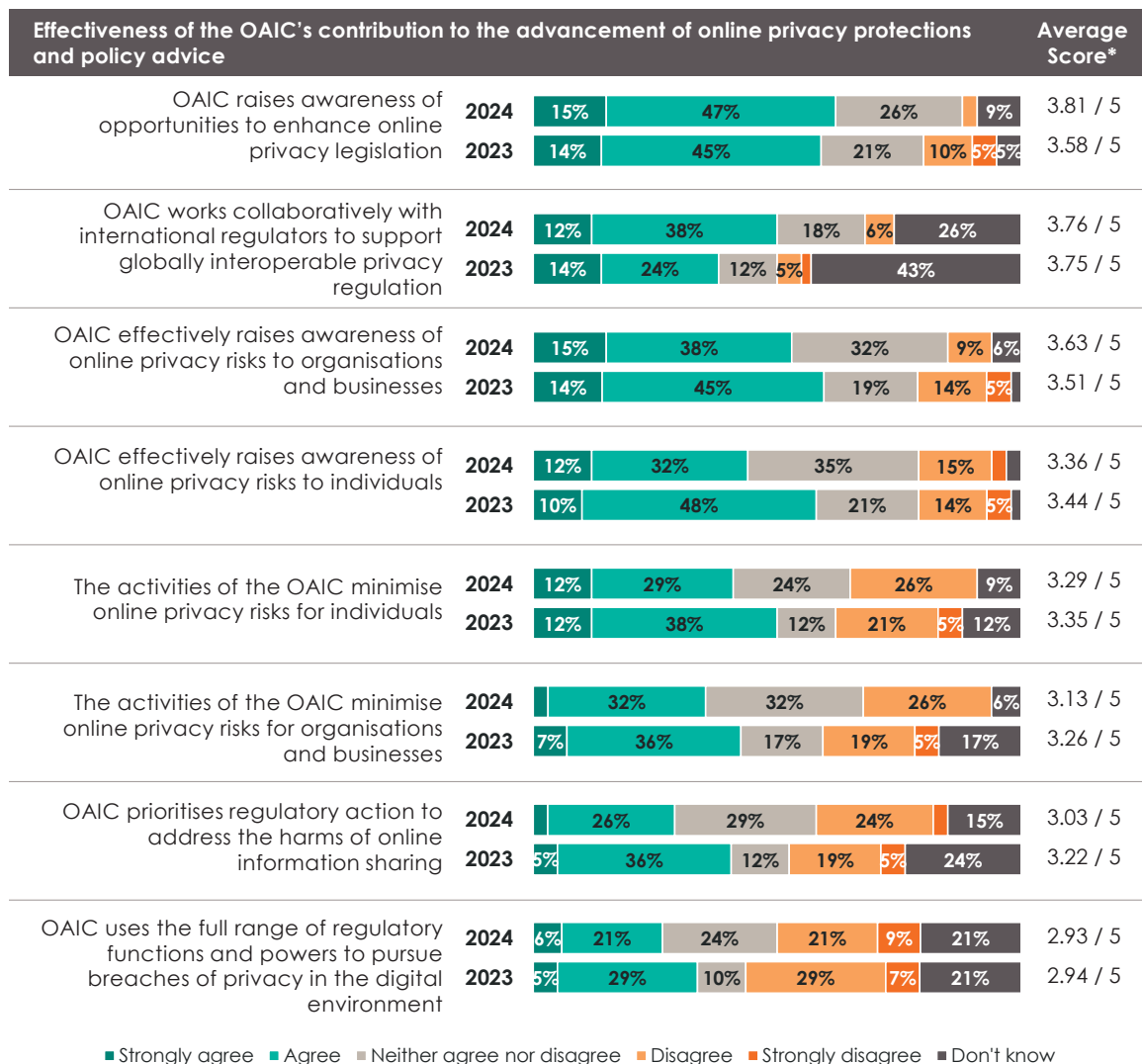
a 5-point scale, ranging from (5) strongly agree to (1) strongly disagree.

Reported results are based on the ratings provided by stakeholders whose professional role involves regular engagement with the OAIC’s privacy function.

All sub-measures regarding effectiveness of the OAIC’s contribution to the advancement of online privacy protections and policy advice have exceeded the mid-point of 3, except for ‘OAIC uses the full range of regulatory functions and powers to pursue breaches of privacy in the digital environment’ (2.93 out of 5).

<sup>1</sup> Percentage labels for values of 3% or less in the figures in this section have been removed to improve chart legibility.

**Figure F.2: Sub-measure ratings for the effectiveness of the OAIC's to the advancement of online privacy protections and policy advice**



Base: 2023 Privacy Stakeholders n=42, 2024 Privacy Stakeholders n=34. | Source: E1 To what extent to do agree or disagree with the following statements? | Labels for data points <4% not shown for ease of legibility | \*Average excludes don't know responses

This makes it the lowest performing of the sub-measures, consistent with 2023.

The highest average scores achieved by the OAIC in terms of this performance measure relate to:

- OAIC raises awareness of opportunities to enhance online privacy legislation (3.81 out of 5)
- OAIC works collaboratively with international regulators to support globally interoperable privacy regulation (3.76 out of 5)
- OAIC effectively raises awareness of the online privacy risks to organisations and businesses (3.63 out of 5).

Neutral responses have increased for all sub-measures. At the same time, 'don't know' responses have declined for many, most notably the proportion who say they don't know whether the OAIC works collaboratively with international regulators to support globally interoperable privacy regulation. This has nearly halved, going from 43% in 2023 to 26% in 2024.

Qualitative analysis of verbatim responses in relation to the effectiveness of the OAIC's contribution to the advancement of online privacy protections and policy advice suggests stakeholders who rated OAIC positively (satisfied or very satisfied) believe online

resources provided by OAIC are easy to understand, useful and provide good quality advice.

Stakeholders who gave negative ratings (dissatisfied or very dissatisfied) mention issues around the OAIC not being proactive, visible enough or responsive enough when it comes to online privacy protections and policy advice.

Stakeholders who gave a neutral response about OAIC's performance most often said they did so because they are unfamiliar with OAIC's work in this space. Others mention that while guidelines provided by the OAIC are helpful there is need for more specific information to be included and require updating to reflect the current environment.

### 3 – Encourage and support proactive disclosure of government information

Performance measure	2023 baseline score	2024 score
Effectiveness of OAIC's advice and guidance on the operation of the FOI Act and the Information Publication Scheme in supporting government agencies to provide public access to government held information as measured by stakeholder feedback.	60 / 100	56 / 100

The overall index score for the OAIC's advice and guidance on the operation of the Freedom of Information (FOI) Act and the Information Publication Scheme (IPS) in supporting government agencies to provide public access to government held information is 56 out of 100, a 4-point decrease from the baseline score achieved in 2023 (60).

Performance in this area is measured through an external stakeholder survey. The index measure has been constructed based on the average performance rating for the 10 sub-measures that underpin this performance area (see Figure F.3) – 5 of these sub-measures relate to the FOI Act, and the other 5 relate to the IPS. Each of these sub-measures use a 5-point scale, ranging from (5) strongly agree to (1) strongly disagree.

Reported results are based on the ratings provided by stakeholders whose professional role involves regular engagement with the OAIC's FOI function.

In 2024, the stakeholders' average ratings for advice and guidance provided for the FOI Act and the IPS are of a comparable level, whereas in 2023 stakeholders rated aspects of advice relating to the IPS higher overall than average ratings for aspects of the FOI Act. Exceptions in 2024 in 2024 are where the IPS advice and guidance is rated higher by stakeholders in terms of 'consistency' (IPS rated 3.33 compared to FOI Act rated 2.98), and 'answering questions' (IPS rated 3.21 compared to FOI rated 3.00).

For both IPS and the FOI Act, the highest average ratings achieved relate to:

- Being easy to find (3.60 out of 5 for IPS, and 3.57 out of 5 for FOI)
- Easy to understand (3.38 out of 5 for IPS, and 3.41 out of 5 for FOI)
- Useful (3.36 out of 5 for IPS, and 3.27 out of 5 for FOI)

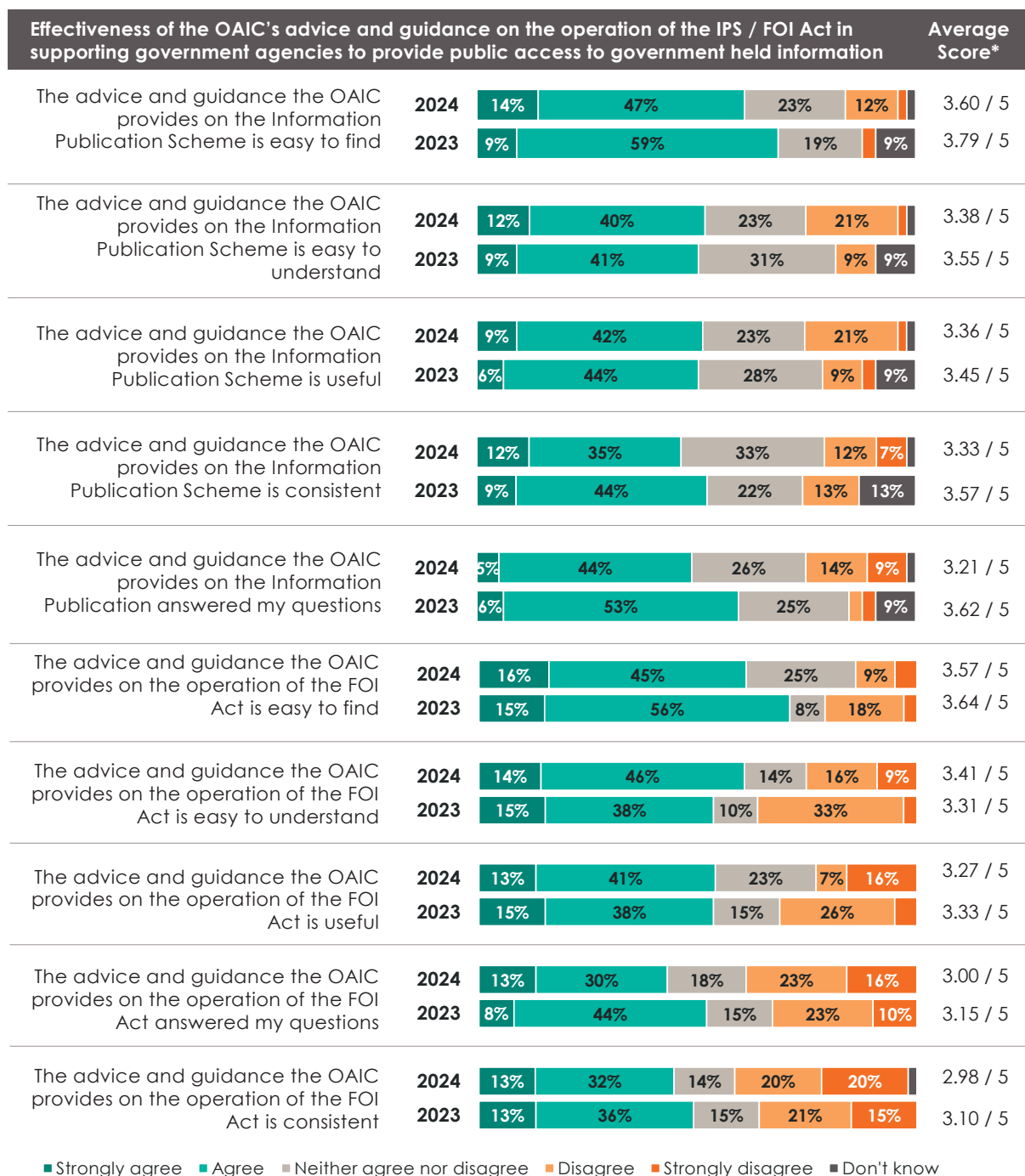
The lowest rated sub-measure for IPS related to how well the advice and guidance answered questions (3.21 out of 5), a decline from performance in 2023 (3.62 out of 5 in 2023). In terms of FOI, the lowest rated sub-measure related to consistency (2.98 out of 5). This is a decrease from 2023 performance (3.10) and it remains the lowest performer.

Satisfied or very satisfied stakeholders mention that guidelines are useful, comprehensive and easy to understand and access, answering questions they have had. Stakeholders who rated OAIC negatively (dissatisfied or very dissatisfied) say it is because they found guides to be inconsistent with legislation and found processing FOI reviews and responsiveness to be slow.

Verbatim reflecting on the effectiveness of OAIC's advice and guidance on the operation of the IPS include mentions of guidelines being sufficient, easily accessible and clear by those who were satisfied (satisfied or very satisfied) with OAIC's performance. On the other hand, there were mentions of advice being outdated or duplicating information already available to them by those who rated being dissatisfied or very dissatisfied by OAIC's performance.



**Figure F.3: Sub-measure ratings for the effectiveness of the OAIC’s advice and guidance on the operation of the FOI Act and the IPS in supporting government agencies to provide public access to government held information**



Base: 2023 FOI Stakeholders who know about the IPS n=32, 2024 FOI Stakeholders who know about the IPS n=43  
 Source: F1. To what extent do you agree or disagree with the following statements about the advice and guidance the OAIC provides on the FOI Act? | Labels for data points <5% not shown for ease of legibility | \*Average excludes don't know responses

## 4 – Contemporary approach to regulation

There are 3 performance measures which have been used to assess the OAIC’s effectiveness in conducting its business on the key activity: ‘contemporary approach to regulation’. The 3 performance measures are:

- Stakeholder assessment of the extent to which the OAIC’s regulatory activities demonstrate a commitment to continuous **improvement and building trust**.
- Stakeholder assessment of the extent to which the OAIC’s regulatory activities demonstrate **collaboration and engagement**.
- Stakeholder assessment to the extent to which the OAIC’s regulatory activities are **risk based and data driven**.

These performance areas have been measured through an external stakeholder survey. The index measure has been constructed based on the average performance rating for the sub-measures that underpin each of the three performance areas. Each of these sub-measures use a 5-point scale, ranging from (5) strongly agree to (1) strongly disagree.

Performance measure	2023 baseline score	2024 score
Stakeholder assessment of the extent to which the OAIC’s regulatory activities demonstrate a commitment to continuous improvement and building trust	60 / 100	63 / 100

The overall index score for stakeholder perceptions of the extent to which the OAIC’s regulatory activities demonstrate a commitment to continuous improvement and building trust is 63 out of 100. This represents an increase of 3 points from the baseline score achieved in 2023 (60).

The highest average scores achieved by the OAIC in terms of this performance measure relate to:

- The OAIC makes consistent and unbiased decisions (3.79 out of 5)
- The OAIC is committed to making improvements (3.61 out of 5)

- The OAIC provides relevant and clear guidance (3.60 out of 5)
- The OAIC can be trusted to fulfil their responsibilities (3.59 out of 5).

Ratings have increased for all sub-measures except for ‘the OAIC is transparent in their decision making’ (3.32 out of 5). This, and perceptions of being easy to deal with (3.21 out of 5), are the lowest performing sub-measures.

Qualitative analysis of verbatim comments about the OAIC’s regulatory activities demonstrating commitment to continuous improvement and building trust reveals that stakeholders who provided positive ratings (satisfied or very satisfied) reference seeing a notable positive change in their engagement with the OAIC. Some said they have noticed a clear emerging culture of improvement, and greater transparency from the OAIC.

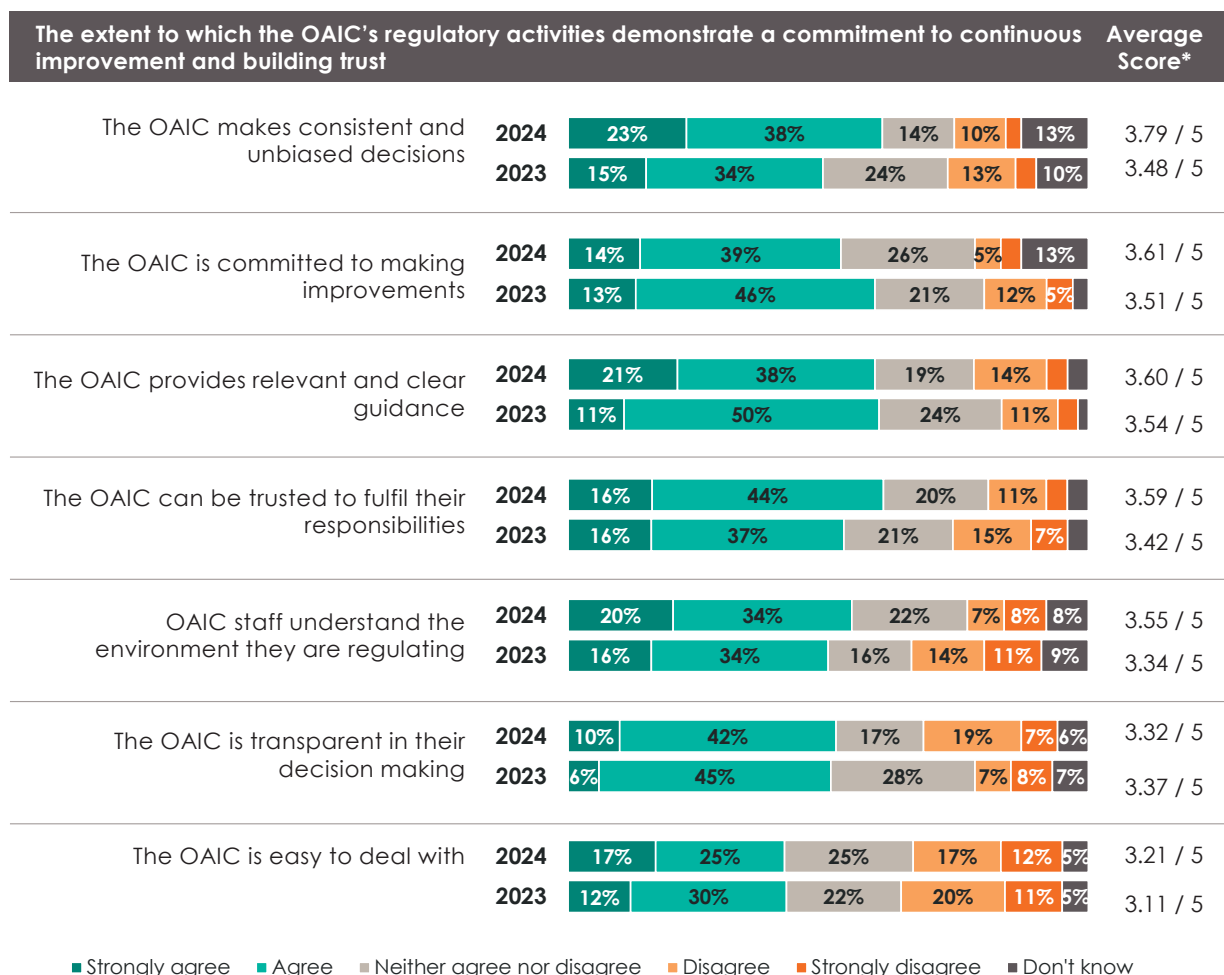
Stakeholders who provided ratings of dissatisfaction (dissatisfied or very dissatisfied) with OAIC’s regulatory activities demonstrating commitment to continuous improvement and building trust flag that OAIC is underfunded and understaffed for the job. Some mentioned the OAIC as being slow and difficult to contact with this often connected to the issue of under resourcing.

Performance measure	2023 baseline score	2024 score
Stakeholder assessment of the extent to which the OAIC’s regulatory activities demonstrate collaboration and engagement.	58 / 100	58 / 100

The overall index score for stakeholder perceptions of the extent to which the OAIC’s regulatory activities demonstrate collaboration and engagement is 58 out of 100. This is consistent with the baseline score achieved in 2023 (58).

Stakeholders have provided the highest average scores for the OAIC being transparent in its decision making (3.52 out of 5), and consulting with the stakeholder organisations when appropriate (3.40 out of 5). These results are slightly lower compared to the average rating of these aspects in 2023 where they also ranked as the two highest rated of these sub-measures.

**Figure F.4: Sub-measure ratings for the extent to which the OAIC’s regulatory activities demonstrate a commitment to continuous improvement and building trust. Note: Percentage labels for values of 3% or less have been removed to improve chart legibility.**



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree ■ Don't know

Base size: 2023 all stakeholders n=100, 2024 all stakeholders n=114 | Source: G1a. To what extent do you agree or disagree with the following statements. | Labels for data points <4% not shown for ease of legibility | \*Average excludes don't know responses

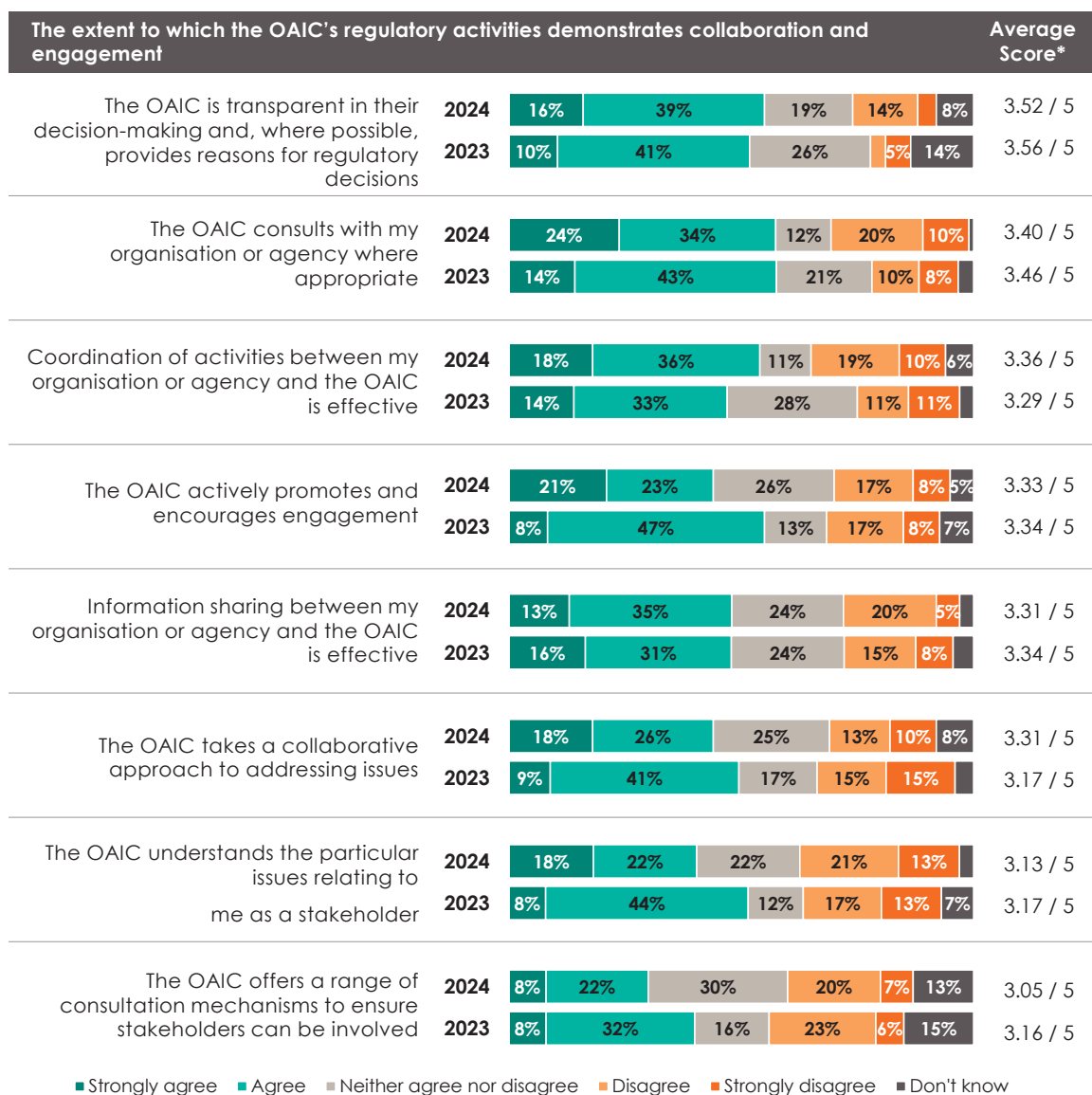
Stakeholder ratings for perceptions of the OAIC understanding stakeholder issues (3.13 out of 5) and offering a range of consultation mechanisms (3.05 out of 5) continue to be the lowest rated.

Qualitative analysis of verbatim responses in relation to the extent to which the OAIC’s regulatory activities demonstrate collaboration and engagement reveals that stakeholders who gave satisfied or very satisfied ratings say it is because of the OAIC’s timely responses, knowledge and understanding, and positive interactions more generally. Stakeholders who were dissatisfied include mention of the OAIC being inflexible in collaboration, with engagements feeling transactional.

Performance measure	2023 baseline score	2024 score
Stakeholder assessment of the extent to which the OAIC’s regulatory activities are risk based and data driven.	51 / 100	56 / 100

The overall index score for stakeholder perceptions of the extent to which the OAIC’s regulatory activities are risk based and data driven is 56 out of 100. While this represents a sizeable increase from the 2023 baseline score (51), it remains the lowest rated performance

**Figure F.5: Sub-measure ratings for the extent to which the OAIC’s regulatory activities demonstrate collaboration and engagement**



Base size: 2023 all stakeholders n=100, 2024 all stakeholders n=114 | Source: G1b. To what extent do you agree or disagree with the following statements. | Labels for data points <4% not shown for ease of legibility | \*Average excludes don't know responses

measure under the key activity: ‘contemporary approach to regulation’.

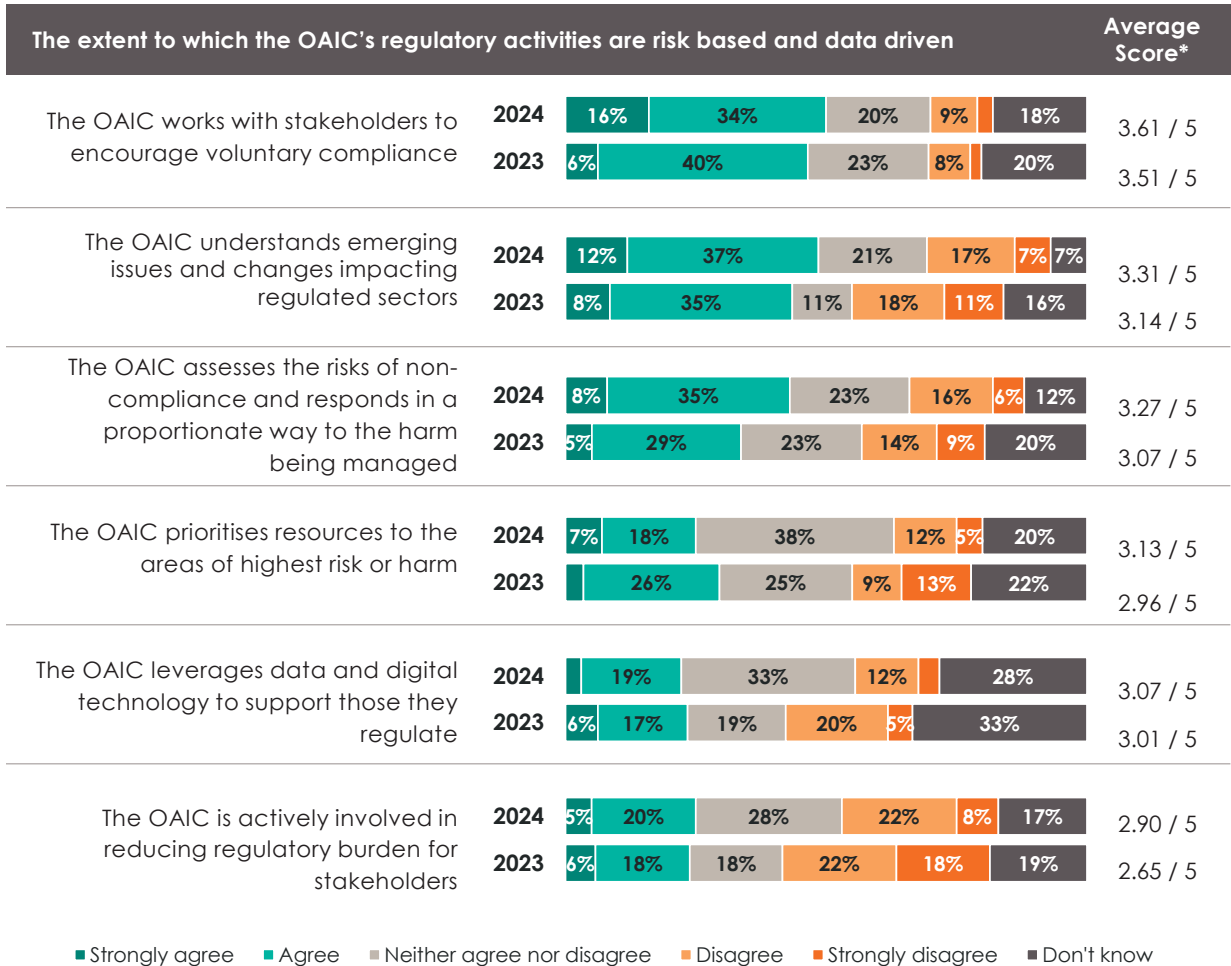
The highest rated sub-measure by some margin relates to perceptions of the OAIC working with stakeholders to encourage voluntary compliance (3.61 out of 5).

Despite increased scores across all sub-measures, perceptions of the OAIC being actively involved in reducing regulatory burden on stakeholders remains under the mid-point of 3, making it the lowest of the 6 sub-measures.

Qualitative analysis of stakeholder comments collected in response to the extent to which the OAIC’s regulatory activities are risk based and data driven refer to the number of published reports as evidence of this. Stakeholders rating OAIC positively (satisfied or very satisfied) say they are satisfied due to OAIC outlining its intentions in corporate plans and other published reports. However, for those who rated feeling dissatisfied or very dissatisfied, this is not enough, and they suggest there is a lack



**Figure F.6: Sub-measure ratings for the extent to which the OAIC’s regulatory activities are risk based and data driven**



Base size: 2023 all stakeholders n=100, 2024 all stakeholders n=114 | Source: G1c. To what extent do you agree or disagree with the following statements. | Labels for data points <4% not shown for ease of legibility | \*Average excludes don't know responses

of collaboration and that OAIC tries to take a ‘one size fits all’ approach in some instances.

## Methodology

The OAIC has used a quantitative stakeholder survey to measure performance against targets for key activity areas. The OAIC engaged an independent research organisation to design and administer the survey. The approach used was consistent with the approach employed for the benchmark survey in 2023.

A census approach was taken to sampling, meaning that every relevant stakeholder was provided with the opportunity to respond to the survey. Approximately

600 stakeholders were sent an email by the OAIC inviting them to take part in the survey. Two reminder emails were sent during fieldwork to prompt those who had not yet completed to do so. The fieldwork period ran from 29 April to 7 May 2024.

Of the approximately 600 stakeholders who were sent an invitation, 115 completed the survey – representing a response rate of 19%, and improvement on the response rate achieved in 2023 (17%). A sample of 115 has a maximum margin of error of +/-8.2% when adjusted for population size. The total sample is comprised of 3 stakeholder groups based on which function each stakeholder primarily works with the OAIC on:

- Consumer Data Right (n=8)
- Freedom of Information (n=66)
- Privacy (n=40).

One stakeholder did not associate themselves with any of the three stakeholder groups. As all stakeholders on the list qualify for the survey, no screeners were implemented.

Due to the small sample size (n=8), caution should be taken when interpreting results based solely on Consumer Data Right stakeholders. Results for a sample of this size should be viewed as indicative only. Sample sizes for Freedom of Information and Privacy stakeholders are considerably larger, meaning results for these groups are more reliable. When adjusted for population size, the maximum margin of error for Freedom of Information stakeholders is +/-13.4%; while the maximum margin of error for Privacy stakeholders is +/-15.0%.

Data has been weighted to be representative of the resources that have been dedicated to each of the three stakeholder groups. The specific weighting targets are included in Table 2 below:

**Table F.2: Weighting targets**

Stakeholder group	Weighting target	
	2023	2024
Consumer Data Right	32%	21%
Freedom of Information	21%	17%
Privacy	47%	62%

Respondents that did not associate themselves with a stakeholder group were left unweighted (i.e. they were given a weight of 1).

It should be noted that weights only have an impact on results where 2 or more stakeholder groups are combined. This means they only apply to the 3 performance measures under the key activity: 'contemporary approach to regulation'.

This report has been prepared in accordance with ISO 20252 standards.

## Measuring performance

In the second year of the survey the objective was to compare the 2024 results back to the 2023 baseline, with an on-going target of incremental improvement in each area over time.

The survey tool is unchanged from 2023. It was developed with sections specifically designed to evaluate stakeholders' experience of the OAIC across six areas of the OAIC's Performance Measurement Framework.

Each section includes a set of sub-measures presented as a list of statements for stakeholders to rate their agreement with using a 5-point scale, ranging from (1) strongly disagree to (5) strongly agree. A 'don't know' answer option was included in case stakeholders did not feel qualified to provide a meaningful rating for any of the sub-measures presented. Stakeholders were asked sections in relation to the functions of the OAIC they are familiar with. Sections relating to the general function of the OAIC were asked of all stakeholders.

Table F.3 outlines each of the 6 performance measures covered in the Stakeholder Survey and the sub-measures comprising each aligned according to Key Activities outlined in the *Corporate plan 2023-24*.

Index measures were constructed for each performance target. Index scores are calculated based on average stakeholder ratings for relevant sub-measures. They have then been converted to scores out of 100, with 100 representing the highest possible score and 0 representing the lowest.

**Table F.3: Survey sub-measures comprising each performance measure in accordance with key activities outlined in the Corporate plan**

Key activity and performance measure	Contemporary approach to regulation			
	Influence and uphold privacy and information access rights frameworks	Advance online privacy protections for Australians	Encourage and support proactive disclosure of government information	Stakeholder approach to regulation
Survey metrics	Effectiveness of the OAC's contribution to the regulation of the Consumer Data Right as measured by stakeholder feedback	Effectiveness of the OAC's contribution to the advancement of online privacy protections and policy advice as measured by stakeholder feedback	Effectiveness of OAC's advice and guidance on the operation of the FOI Act and the Information Publication Scheme in supporting government agencies to provide public access to government held information as measured by stakeholder feedback	Stakeholder assessment of the extent to which the OAC's regulatory activities demonstrate collaboration and engagement
	Stakeholder assessment of the extent to which the OAC's regulatory activities are risk based and data driven	Stakeholder assessment of the extent to which the OAC's regulatory activities demonstrate a commitment to continuous improvement and building trust	Stakeholder assessment of the extent to which the OAC's regulatory activities demonstrate a commitment to continuous improvement and building trust	Stakeholder assessment of the extent to which the OAC's regulatory activities demonstrate collaboration and engagement
Survey metrics	The OAC works effectively with the ACCC to regulate the Consumer Data Right	The OAC raises awareness of opportunities to enhance online privacy legislation	The advice and guidance is easy to find	The OAC actively promotes and encourages engagement
	The OAC works effectively to regulate the privacy and confidentiality aspects of the Consumer Data Right	The OAC works collaboratively with international regulators to support globally interoperable privacy regulation	The advice and guidance is easy to understand	The OAC takes a collaborative approach to addressing issues
	The OAC collaborates well with other Consumer Data Right agencies	The OAC prioritises regulatory action to address the harms of online information sharing	The advice and guidance answered my questions	Coordination of activities between my organisation or agency and the OAC is effective
	The information and resources provided by the OAC in relation to Consumer Data Right provide clear guidance for participants and other relevant entities	The OAC uses the full range of regulatory functions and powers to pursue breaches of privacy in the digital environment	The advice and guidance is useful	Information sharing between my organisation or agency and the OAC is effective
	The OAC is working effectively to support the expansion of the Consumer Data Right to other industries	The OAC effectively raises awareness of online privacy risks to individuals	The advice and guidance is consistent	The OAC consults with my organisation or agency where appropriate
	The OAC effectively handles notifications of eligible data breaches related to the Consumer Data Right data	The OAC effectively raises awareness of online privacy risks to organisations and businesses		The OAC offers a range of consultation mechanisms to ensure stakeholders can be involved
	The OAC effectively handles complaints related to the Consumer Data Right	The activities of the OAC minimise online privacy risks for individuals		The OAC is transparent in their decision-making and, where possible, provides reasons for regulatory decisions
		The activities of the OAC minimise online privacy risk for organisations and businesses		The OAC understands the particular issues relating to me as a stakeholder
				The OAC works with stakeholders to encourage voluntary compliance
				The OAC assesses the risks of non-compliance and responds in a proportionate way to the harm being managed
			The OAC prioritises resources to the areas of highest risk or harm	
			The OAC understands emerging issues and changes impacting regulated sectors	
			The OAC is actively involved in reducing regulatory burden for stakeholders	
			The OAC leverages data and digital technology to support those they regulate	

## Appendix G: Shortened forms

Shortened form	Expanded term
a/g	acting
AAls	Accountable Authority Instructions
AASB	Australian Accounting Standards Board
AAT	Administrative Appeals Tribunal
ABN	Australian business number
ABS	Australian Bureau of Statistics
ACCC	Australian Competition and Consumer Commission
ACL	Australian Clinical Labs Limited
ACMA	Australian Communications and Media Authority
ACT	Australian Capital Territory
ADJR Act	<i>Administrative Decisions (Judicial Review) Act 1977</i>
AFP	Australian Federal Police
AGD	Attorney-General's Department
AIC Act	<i>Australian Information Commissioner Act 2010</i>
Airservices	Airservices Australia
ANAO	Australian National Audit Office
APP	Australian Privacy Principle
APPA	Asia Pacific Privacy Authorities
APRA	Australian Prudential Regulation Authority
APS	Australian Public Service
APSC	Australian Public Service Commission
Arca	Australian Retail Credit Association
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
AustLII	Australasian Legal Information Institute
AUSTRAC	Australian Transaction Reports and Analysis Centre
CASA	Civil Aviation Safety Authority
CDR	Consumer Data Right





Shortened form	Expanded term
CDR Rules	Competition and Consumer (Consumer Data Right) Rules 2020
CII	Commissioner-initiated investigation
CO2-e	carbon dioxide equivalent
CPRs	Commonwealth Procurement Rules
CR Code	Privacy (Credit Reporting) Code 2014
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CSRN	Cyber Security Regulator Network
DAFF	Department of Agriculture, Fisheries and Forestry
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DCCWG	Digital Citizen and Consumer Working Group
Defence	Department of Defence
DESE	Department of Education, Skills and Employment
DEWR	Department of Employment and Workplace Relations
DFAT	Department of Foreign Affairs and Trade
Digital ID	Digital Identity initiative
DISR	Department of Industry, Science and Resources
DITRDCA	Department of Infrastructure, Transport, Regional Development, Communications and the Arts
DP-REG	Digital Platform Regulators Forum
DSS	Department of Social Services
DVA	Department of Veterans' Affairs
EDR	external dispute resolution
Education	Department of Education
EL	Executive Level
EMC	Executive Management Committee
Enterprise Agreement	<i>Office of the Australian Information Commissioner Enterprise Agreement 2024–2027</i>
EOT	extension of time
eSafety	Office of the eSafety Commissioner
Finance	Department of Finance
FOI	freedom of information
FOI Act	<i>Freedom of Information Act 1982</i>

Shortened form	Expanded term
FOI Commissioner	Freedom of Information Commissioner
FTE	full-time equivalent
FWC	Fair Work Commission
GPA	Global Privacy Assembly
GPEN	Global Privacy Enforcement Network
GST	goods and services tax
Health and Aged Care	Department of Health and Aged Care
Home Affairs	Department of Home Affairs
HWLE	HWL Ebsworth Lawyers
IAID	International Access to Information Day
IC	Information Commissioner
ICIC	International Conference of Information Commissioners
ICON	Information Contact Officers Network
ICPEN	International Consumer Protection and Enforcement Network
ICT	information and communications technology
Information Commissioner	Australian Information Commissioner, within the meaning of the <i>Australian Information Commissioner Act 2010</i>
IPC	Information and Privacy Commission
IPEA	Independent Parliamentary Expenses Authority
IPS	Information Publication Scheme
KC	King's Counsel
KMP	key management personnel
Latitude	Latitude group of companies
Medibank	Medibank Private Limited
MOU	memorandum of understanding
My Health Records Act	<i>My Health Records Act 2012</i>
NDB scheme	Notifiable Data Breaches scheme
NDBs	notifiable data breaches
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme



Shortened form	Expanded term
OAIC	Office of the Australian Information Commissioner
OCF	OAIC Consultation Forum
ODC	OAIC Diversity Committee
OPC	New Zealand Office of the Privacy Commissioner (OPC)
Optus	Optus companies
PAW	Privacy Awareness Week
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PGPA Rule	Public Governance, Performance and Accountability Rule 2014
PIA	privacy impact assessment
PM&C	Department of Prime Minister and Cabinet
PNR	passenger name record
Privacy Act	<i>Privacy Act 1988</i>
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation Scheme accumulation plan
RAC	Regulatory Action Committee
ROU	right of use
RRCWG	Robodebt Royal Commission Working Group
SDO	Service Delivery Office
SES	Senior Executive Service
SME	small and medium enterprises
SRC	Strategic Regulatory Committee
Treasury	Department of the Treasury
UNESCO	United Nations Educational, Scientific and Cultural Organization

## Appendix H: Corrections and clarifications

Corrections and clarifications for the Office of the Australian Commissioner *Annual report 2022–23* are listed below.

1. On page 58, the number of enquiries made by telephone (9,435) is replaced by 9,436, and the total number of enquiries (13,332) is replaced by 13,322, as listed on the table on that page.
2. On page 27, under ‘Resolving privacy complaints’, the statement that all but one of the Commissioner’s 9 privacy determinations involved a substantiated complaint requires correction. All but one of the 7 published determinations involved substantiated complaints. Two further (unpublished) determinations involved unsubstantiated complaints. Those not substantiated (3 in total) were dismissed.
3. On page 36 the heading ‘National cabinet matters’ is more appropriately titled ‘Community Sports Grants decisions’. The relevant reviews relate to the report compiled by the former Secretary of the Department into whether the former Minister for Agriculture had breached the Ministerial Standards in her administration of the Community Sports Infrastructure Grant Program.
4. In Table E.12 (page 161) the Prime Minister was reported as receiving 79 FOI requests: this should have been 73.
5. As a consequence of the above, where the number of FOI requests received by Australian Government agencies in 2022–23 is listed (pages 45, 138, 144, 146, 153), the number should be 34,219, not 34,225.
6. As noted on page 14 of last year’s annual report, statistics in the ‘At a glance’ section on pages 11–14, some of which also appear elsewhere in the report, were current as of 1 August 2023. Some 2022–23 figures listed in this year’s ‘At a glance’ section differ slightly (by 1 or 2) to those published last year due to subsequent recording or re-categorisation.

## Appendix I: List of requirements

PGPA Rule reference	Description	Requirement	Part of report (page no)
<b>17AD(g)</b>	<b>Letter of transmittal</b>		
17AI	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory	iii
<b>17AD(h)</b>	<b>Aids to access</b>		
17AJ(a)	Table of contents (print only).	Mandatory	iv–v
17AJ(b)	Alphabetical index (print only).	Mandatory	190–194
17AJ(c)	Glossary of abbreviations and acronyms.	Mandatory	177–180
17AJ(d)	List of requirements.	Mandatory	182
17AJ(e)	Details of contact officer.	Mandatory	ii
17AJ(f)	Entity's website address.	Mandatory	ii
17AJ(g)	Electronic address of report.	Mandatory	ii
<b>17AD(a)</b>	<b>Review by accountable authority</b>		
17AD(a)	A review by the accountable authority of the entity.	Mandatory	4–5
<b>17AD(b)</b>	<b>Overview of the entity</b>		
17AE(1)(a)(i)	A description of the role and functions of the entity.	Mandatory	2–3
17AE(1)(a)(ii)	A description of the organisational structure of the entity.	Mandatory	12–15
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity.	Mandatory	2
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan.	Mandatory	2
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority.	Mandatory	117
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority.	Mandatory	117

PGPA Rule reference	Description	Requirement	Part of report (page no)
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period.	Mandatory	117
17AE(1)(b)	An outline of the structure of the portfolio of the entity.	Portfolio departments mandatory	15
17AE(2)	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory	Not applicable
<b>17AD(c)</b>	<b>Report on the Performance of the entity</b>		
	<i>Annual performance statements</i>		
17AD(c)(i); 16F	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory	17–51
<b>17AD(c)(ii)</b>	<b>Report on financial performance</b>		
17AF(1)(a)	A discussion and analysis of the entity's financial performance.	Mandatory	73–109
17AF(1)(b)	A table summarising the total resources and total payments of the entity.	Mandatory	112
17AF(2)	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory	Not applicable
<b>17AD(d)</b>	<b>Management and accountability</b>		
	<i>Corporate governance</i>		
17AG(2)(a)	Information on compliance with section 10 (fraud systems).	Mandatory	57
17AG(2)(b)(i)	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory	iii

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PGPA Rule reference	Description	Requirement	Part of report (page no)
17AG(2)(b)(ii)	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory	iii
17AG(2)(b)(iii)	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory	iii
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory	54–57
17AG(2)(d) – (e)	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance.	If applicable, Mandatory	Not applicable
<b>Audit Committee</b>			
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory	58
17AG(2A)(b)	The name of each member of the entity's audit committee.	Mandatory	58
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory	58
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory	58
17AG(2A)(e)	The remuneration of each member of the entity's audit committee.	Mandatory	58
<b>External scrutiny</b>			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory	59–61
17AG(3)(a)	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory	59

PGPA Rule reference	Description	Requirement	Part of report (page no)
17AG(3)(b)	Information on any reports on operations of the entity by the AuditorGeneral (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory	Not applicable
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory	Not applicable
<b>Management of human resources</b>			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory	62–63
17AG(4)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on fulltime employees; (b) statistics on parttime employees; (c) statistics on gender; (d) statistics on staff location.	Mandatory	118–129
17AG(4)(b)	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: · Statistics on staffing classification level; · Statistics on fulltime employees; · Statistics on parttime employees; · Statistics on gender; · Statistics on staff location; · Statistics on employees who identify as Indigenous.	Mandatory	118–129
17AG(4)(c)	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory	129
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory	129
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level.	Mandatory	129
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees.	Mandatory	65
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory	Not applicable



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PGPA Rule reference	Description	Requirement	Part of report (page no)
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory	Not applicable
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory	Not applicable
17AG(4)(d)(iv)	Information on aggregate amount of performance payments.	If applicable, Mandatory	Not applicable
<b>Assets management</b>			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, Mandatory	Not applicable
<b>Purchasing</b>			
17AG(6)	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory	67
<b>Reportable consultancy contracts</b>			
17AG(7)(a)	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory	67
17AG(7)(b)	A statement that “ <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].</i> ”	Mandatory	67
17AG(7)(c)	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory	67
17AG(7)(d)	A statement that “ <i>Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.</i> ”	Mandatory	67

PGPA Rule reference	Description	Requirement	Part of report (page no)
	<b>Reportable non-consultancy contracts</b>		
17AG(7A)(a)	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory	68
17AG(7A)(b)	A statement that “ <i>Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.</i> ”	Mandatory	67
17AD(daa)	<b>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</b>		
17AGA	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory	68
	<b>Australian National Audit Office access clauses</b>		
17AG(8)	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the AuditorGeneral with access to the contractor’s premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory	Not applicable
	<b>Exempt contracts</b>		
17AG(9)	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory	Not applicable

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PGPA Rule reference	Description	Requirement	Part of report (page no)
	<b>Small business</b>		
17AG(10)(a)	A statement that “[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	Mandatory	68
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory	68
17AG(10)(c)	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that “[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.”	If applicable, Mandatory	68
	<b>Financial statements</b>		
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory	73–109
	<b>Executive remuneration</b>		
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 23 of the Rule.	Mandatory	114–116
<b>17AD(f)</b>	<b>Other mandatory information</b>		
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that “During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”	If applicable, Mandatory	Not applicable
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory	69



PGPA Rule reference	Description	Requirement	Part of report (page no)
17AH(1)(b)	A statement that “ <i>Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].</i> ”	If applicable, Mandatory	Not applicable
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory	69
17AH(1)(d)	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory	69
17AH(1)(e)	Correction of material errors in previous annual report.	If applicable, mandatory	181
17AH(2)	Information required by other legislation.	Mandatory	69–70

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