



Information Commissioner

NORTHERN TERRITORY



2020-21
ANNUAL REPORT

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Message from the Commissioner

In the first full year of operation of the *Information Act 2002* (the Act), there were 284 FOI access applications across the whole of the NT public sector. This year, there were 1,535.

This displays a remarkable and rapidly growing exercise, mostly by individual Territorians, of a right introduced to encourage transparency and accountability in the NT public sector.

The increase shows no sign of abating, with the rise in the number of applications over last year reaching 26%.

This rapid increase has placed considerable strain on some Organisations, particularly those heavily impacted by the additional demands of the COVID-19 pandemic. Although there have been a number of complaints about delays in processing FOI applications, Organisations should be commended for finalising many more FOI applications this year than ever before. I am aware however, that the limited resources of many FOI units within Organisations are severely stretched and this has impacted on timelines and quality of decision-making in some cases. I cannot overstate the importance of providing adequate resources, good support and training for staff who are every day dealing with complex issues in the FOI sphere.

The Office of the Information Commissioner (OIC) has not been immune from the impact of these increases. Our very small Office has faced corresponding increases in FOI complaints. While we have managed to finalise more FOI complaints than ever, there remains a backlog of cases carried over that we are doing our best to address.

The timeliness of finalisations has suffered but we continue to make every effort to resolve matters as simply and speedily as we reasonably can. For FOI matters to reach complaint stage (the third tier in the process), the issues involved will often be complex and the parties are more likely to have adopted an entrenched position, making simple settlements more problematic. Despite this, we continue to invest considerable time into assisting the parties to resolve or narrow issues in dispute wherever possible. In the reporting year, there were 40 FOI and correction complaints finalised, with only one being referred to NTCAT for hearing.

The level of privacy complaints that reach our Office has been relatively more stable over time. However, a considerable amount of our time is also spent providing advice and assistance to Organisations and the public on privacy issues. During the year, we provided advice on privacy and responsible information-sharing to Organisations, not only on new initiatives and proposed legislation but also to assist those at the coal face to make good decisions when dealing with the personal information of others. There were 15 privacy complaints finalised, with only one referred to NTCAT for hearing.

In reviewing our performance during 2020/21 I consider that, although there was a significant impact of the COVID-19 pandemic on our work, we maintained a sound level of service to the community and Organisations. We quickly adapted our work practices to enable remote work and online communication and our staff responded professionally to every challenge.

More broadly, COVID-19 has presented challenges both in terms of continuing privacy protection and ensuring that government transparency and accountability is maintained. In the course of the pandemic, we have joined with other Australian commissioners and ombudsmen who have information access or privacy protection functions to produce a number of joint statements that relate directly to or touch on information access and privacy protection in the COVID era, including:

- *Joint statement on transparency and access to information during the COVID-19 outbreak* (April 2020)
<https://www.oaic.gov.au/updates/news-and-media/joint-statement-on-transparency-and-access-to-information-during-the-covid-19-outbreak/>
- *Joint statement on COVID-19 and the duty to document COVID-19: The duty to document does not cease in a crisis, it becomes more essential* (May 2020)
<https://www.oaic.gov.au/updates/news-and-media/joint-statement-on-covid-19-and-the-duty-to-document/>
- *Joint statement on International Access to Information Day 2020* (September 2020)
<https://www.oaic.gov.au/updates/news-and-media/joint-statement-on-international-access-to-information-day-2020/>
- *Make privacy a priority in 2021: Joint statement by Privacy Authorities Australia* (30 April 2021)
<https://www.oaic.gov.au/updates/news-and-media/make-privacy-a-priority-in-2021-joint-statement-by-privacy-authorities-australia/>
- *National COVID-19 Privacy Principles* (September 2021)
<https://www.oaic.gov.au/privacy/guidance-and-advice/national-covid-19-privacy-principles/> .

I have set out the most recent joint statement, intended to provide universal privacy principles to support a nationally consistent approach to solutions and initiatives designed to address the ongoing risks related to the COVID-19 pandemic, at pages 25-26 of this report. These high-level principles provide a framework to guide a best practice approach to the handling of personal information during the pandemic.

In closing, I must thank the Deputy Information Commissioner and the Senior Policy and Investigation Officer for their outstanding work and commitment to the principles and work of the Office in what has been a disrupted and complicated year.



Peter Shoyer
Information Commissioner
23 September 2021

Introduction

The *Information Act 2002* ('the Act') is the legislation governing freedom of information (FOI), privacy protection, and public sector records management in the NT. The Act provides for reasonable public access to government information, the responsible collection, correction and handling of personal information and appropriate records and archives management.

The Act is intended to strike a balance between competing interests of openness and transparency and the legitimate protection of some government information, including personal information about individuals.

The Act establishes an Information Commissioner to oversight information access and privacy protection provisions. The Information Commissioner's functions include:

- dealing with complaints about FOI decisions and privacy issues through an investigation and mediation process;
- referring, at the request of a party, dismissed or unresolved complaints to the NT Civil and Administrative Tribunal (NTCAT) for hearing;
- commenting on the privacy implications of new legislation and new government initiatives;
- conducting privacy audits of records held by public sector organisations;
- considering applications for grants of authorisation made by public sector organisations to collect, use or disclose personal information in a manner that would otherwise contravene the Information Privacy Principles;
- considering applications for extension of time periods relating to certain exemptions, e.g. the business information exemption (section 57 of the Act);
- educating the public and public officers about FOI and privacy protection.

The most significant structural change in recent times occurred when the Office of the Information Commissioner (OIC) transferred to the Office of the Ombudsman in August 2018. Despite its relocation and utilisation of shared corporate support, the OIC remains an independent statutory office with a memorandum of understanding between itself and the Ombudsman's Office that covers information sharing and referrals between the offices.

The resources of the OIC are very limited. The Commissioner and Deputy have dual roles (i.e., they are also Ombudsman and Deputy Ombudsman respectively) and so are able to contribute only part of their time to OIC functions. Apart from this, the OIC is currently comprised of two full-time positions - a Senior Policy and Investigation Officer and an Administrative Policy and Complaints Officer. Necessary corporate support is provided by the Business Services Unit of the Ombudsman's Office.

With an ever increasing workload, these limited resources have obvious implications for the work that we can do and the timeliness of output. The current pandemic has also placed limitations on our ability to progress a range of matters, including community education, during the reporting period.

We have reviewed our processes to promote opportunities for stakeholders to attend FOI training and privacy awareness events remotely. We have also encouraged early resolution of complaints whenever possible to minimise the need for full investigation and potentially a final hearing before the NTCAT.

The Act has been in force since 2003 and there have been several legislative changes over the years to deal with specific issues. For example, in recent years, changes have been made to transfer the hearing power from the Commissioner to the NTCAT and to amend Information Privacy Principle 2(d)(i) to enable public sector organisations to more easily share personal information if there is a serious or imminent threat to a person's life, health or safety.

Over time, a number of potential enhancements to the Act have been identified, particularly in relation to procedural aspects. A number of these relate to the changes made to transfer hearing powers. Both the NTCAT and my Office have identified some problematic features of the current processes, which add considerably to the duration and complexity of proceedings. These matters have been raised with the Department of the Attorney-General and Justice. It would greatly assist the operations of the Office, and I believe NTCAT processes in respect of FOI and privacy matters, if these potential legislative changes could be considered and acted on with some priority.

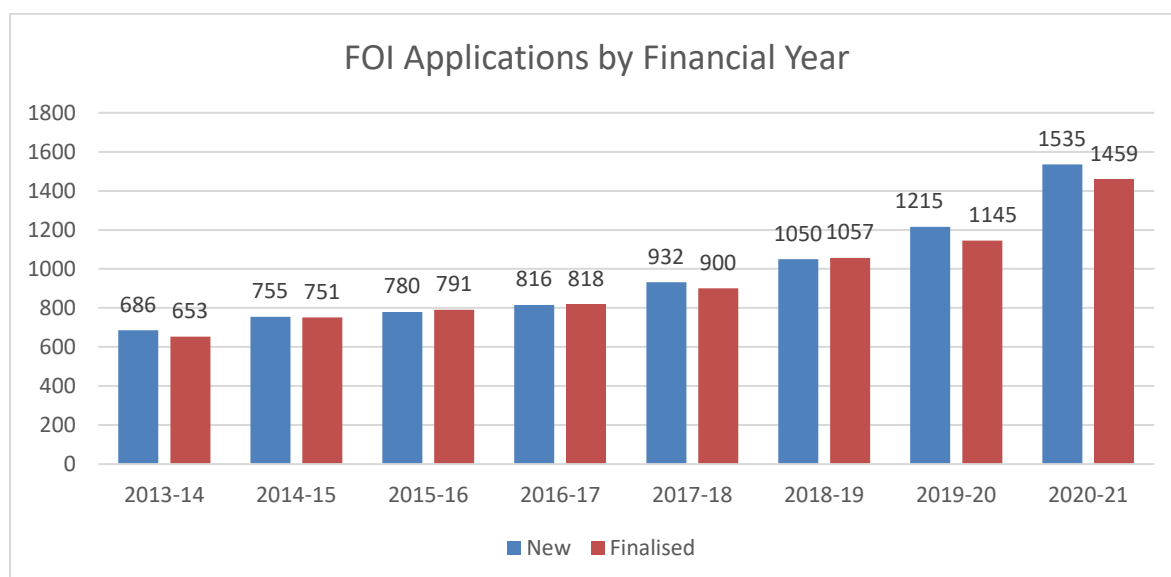
Freedom of Information

The *Information Act 2002* (the Act) creates a scheme which allows people to apply to individual public sector organisations (Organisations)¹ for access to government information, including personal information about themselves (commonly referred to as 'Freedom of Information' or FOI).

Our Office is required by the Act to collect and report on certain information about FOI applications made to and dealt with by each Organisation². This section will discuss that general information before moving on to consider the complaints made to our Office. More detailed data is also available in the tables at Appendix 2.

FOI applications in 2020/21

The continuing trend of annual increases in the number of FOI applications made to Organisations was evident again last year.



During 2020/21, Organisations experienced a substantial increase in FOI applications received, with 26% more applications than the previous year. In the longer term, applications across the public sector have more than doubled since 2014-15.

This represents an enormous increase in workload for agency FOI units. Many applications are complex or large, and there are few shortcuts that can be taken in these circumstances.

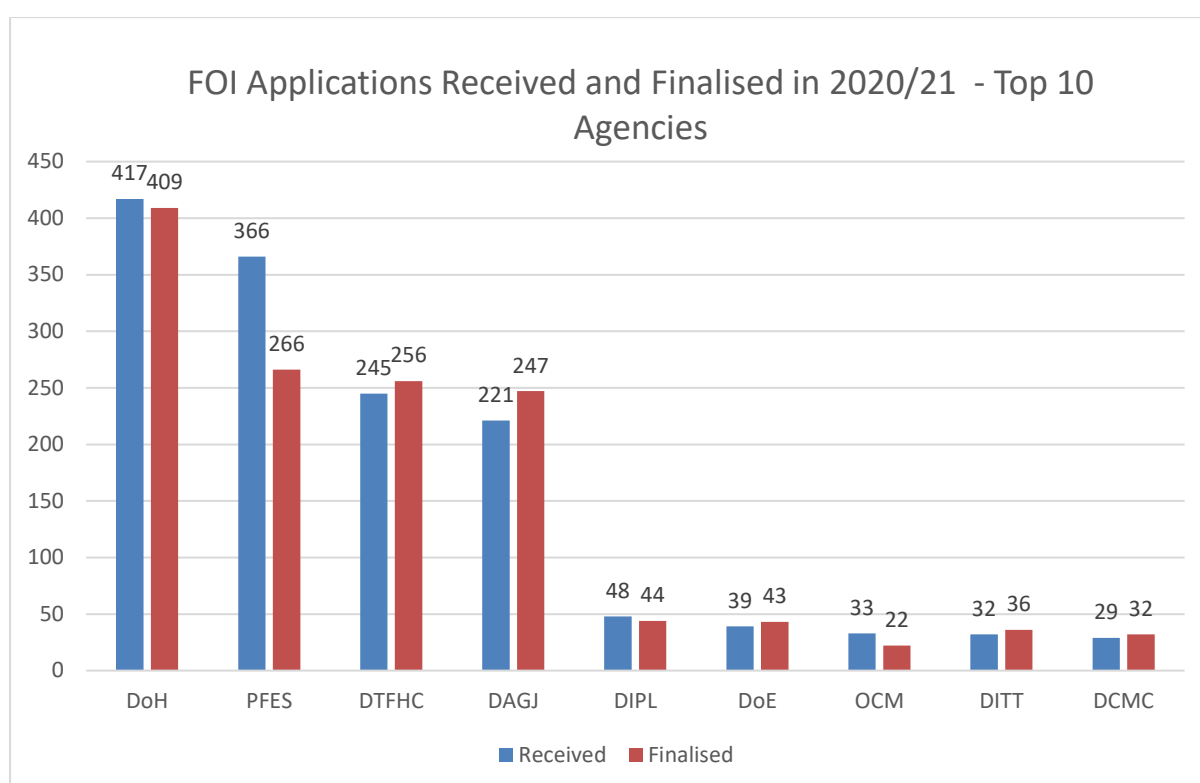
¹ The names of public sector organisations are abbreviated in graphs and tables (e.g. NT Health is DoH and City of Darwin is CoD). A full list of abbreviations is available at Appendix 2 on page 32.

² To assist our Office in complying with s98 of the Act, each Organisation prepares a statistical return providing detailed information on FOI applications received and dealt with by them during the reporting period. Although our Office attempts to verify any discrepancies in statistics, occasional small inconsistencies may occur in the data.

While the previous table shows that agencies have largely managed to keep up with increased demand over time, there have been a number of impacts, including:

- substantially increased pressure on agency FOI units, which have often not received commensurate additional funding to meet increased demand;
- increased time taken and an increase in the number of extensions made to respond to applications; and
- in some cases, the need to address growing demand with limited resources appears to have resulted in hasty and poor quality decision-making.

Broadly speaking, FOI administration is an area currently experiencing significant stress. It is important that organisations allocate sufficient resources to adequately support transparency and accountability in government.



Consistent with data from previous years, the Department of Health continues to receive more applications than any other Organisation, experiencing an increase of 33% in new applications compared to 2019/20.³ Other Organisations experiencing significant increases included NT Police Fire and Emergency Services (PFES) with an increase of 125% in new applications⁴ and the Department of Infrastructure, Planning and Logistics (DIPL) with more than double the number of new applications.⁵

³ 314 in 2019/20 to 417 in 2020/21.

⁴ 163 in 2019/20 to 366 in 2020/21.

⁵ 23 in 2019/20 to 48 in 2020/21.

FOI matters by stage

In the great majority of cases, Organisations provide information directly to FOI applicants without the involvement of the OIC. Much information is provided through administrative access schemes without the need for a formal FOI application.

If an FOI application is made and the applicant is not satisfied with the response they receive from the Organisation, there is provision for an internal review to allow the Organisation the opportunity to reconsider its initial decision.

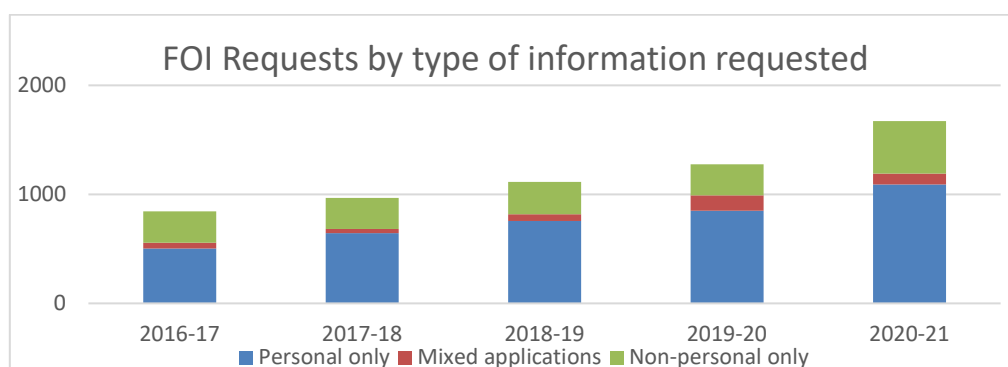
If still not satisfied after that, an applicant can complain to the OIC.

There is provision for an Organisation to refer an application for internal review directly to the OIC as a complaint (section 39A referrals). Some organisations have chosen to use section 39A when they have no one available or able to conduct an internal review or when they are confident that their first decision is the right one. However, most Organisations prefer to take advantage of the opportunity to reconsider their initial decision.

During 2020/21, the overall number of internal review applications rose broadly in line with the rise in the number of initial applications. Similarly, complaints to the OIC about FOI decisions made by Organisations increased by 20% in comparison to the previous year.

	2019/20	2020/21
Total FOI applications received by Organisations	1215	1535
Internal review applications	48	60
FOI Complaints received by OIC	35	42
Referred to OIC without internal review (s39A)	6	6
Complaints received after internal review	29	36

Personal v Non Personal



As in 2019/20, over 70% of FOI applications dealt with during the reporting period were seeking purely personal information or a mix of personal and non-personal information. In short, most applications were from individuals seeking information about themselves.

As regards requests for purely non-personal information in 2020/21, there was a 68% increase in applications compared to last year. There was a similar increase⁶ in applications from individuals with a political, media, activist or lobby-group background when compared with 2019/20. Noting the increase in FOI application numbers overall, the proportion of these requests has not varied markedly in recent years.⁷

Application outcomes

Access granted

Much information sought from public sector organisations is freely given and many organisations have administrative access schemes to provide simple processes for obtaining information from them. The FOI scheme in the Act provides a safety net for those seeking information from Organisations and is normally used when a request for recorded information (for example copies of documents, emails, electronic records or video footage) is more complex or extensive and a more formal process is required.

The Act is intended to require organisations to give access to their recorded information upon receipt of a request from any individual unless there is a justifiable reason at law for them to refuse. Organisations often need to take a number of steps before releasing information under the Act. They may need to clarify or refine the scope of the FOI request and then identify and collect the information sought. Before the Organisation decides what information should be released and what (if any) should be refused or redacted, they sometimes need to consult with third parties who may be affected by the release of information about themselves or their business.

Access refused because of exemptions

The Act recognises that some information may have to be withheld to protect public or private interests. These are set out in various exemption provisions in Part 4 of the Act.

During 2020/21, the most widely used exemptions were those aimed at protecting:

- the privacy of individuals (section 56) – relied upon by 14 Organisations;
- deliberative processes (section 52) – relied upon by 9 Organisations;
- the preservation of the system of justice (section 49), confidentially obtained information (section 55) and commercial and business information (section 57) – relied upon by 7 Organisations; and
- the effective operations of the organisation (section 53) – relied upon by 6 Organisations.

⁶ A 65% increase from 80 applications in 2019/20 to 132 applications in 2020/21.

⁷ In 2018/19, political, media, activist and lobby group requests represented 12% of FOI applications dealt with. This decreased to 6% in 2019/20 and increased to 8% in 2020/21.

The following table sets out the extent of access given in response to valid FOI applications with required fees paid that were finalised by Organisations in 2019/20 and 2020/21.⁸

Proportion of access granted on valid applications

	2019/20	2020/21
	%	%
Full release	38	40
Part release	58	55
All exempt	4	6

Figures for 2020/21 do not add to 100% due to rounding.

In 2020/21, there was an increase in numbers from 37 to 59 in applications ‘refused in full’ on the basis of exemption. Comparative figures from other Australian jurisdictions for applications ‘refused in full’ on the basis of exemptions ranged from 4% to 21% in 2019/20 (National Dashboard – Utilisation of Information Access Rights: <https://www.ipc.nsw.gov.au/information-access/open-government-open-data/dashboard>). Even with a rise to 6% in 2020/21, the NT figure falls at the lower end of that range.

Exemption certificate from Chief Minister

The Chief Minister may issue an exemption certificate certifying that government information identified in the certificate is exempt for specific reasons set out in section 60 of the Act. We have not been notified of any exemption certificates issued by the Chief Minister under section 60 of the Act during 2020/21.

Other outcomes

There are a number of other ways in which FOI access applications may be finalised, including:

- withdrawal;
- transfer to another organisation;
- the application was not a valid application under section 18, for example, it did not provide sufficient details to identify the information sought or provide sufficient proof of identity;
- the requested information did not exist, could not be identified or located (section 27);
- a required fee or deposit was not paid;
- the information sought is excluded from the Act or not covered by the Act;
- providing access would be an unreasonable interference with the operations of the organisation (section 25).

⁸ Applications finalised on other grounds are discussed further below.

Organisations report that a large number of applications are deficient in some way or require clarification or better definition to meet the requirements of the Act. Where there is the potential to remedy a defect, Organisations must always attempt to consult with the applicant to resolve the issue. However, even in such cases, there may come a stage when the agency decides to reject an application.

A breakdown of other outcomes by Organisation is set out at Appendix 2, Table 1A.

During the year, our Office hosted a roundtable discussion with key agencies to understand the reasons why so many applications were finalised on other grounds and what, if any, improvements could be made in this area. It appears that a high number of applications are invalid because the applicant (or their legal representative) fails to provide sufficient identification for the Organisation to be satisfied who they are. This requirement is a vital step that must be taken, particularly if the information is of a personal or sensitive nature.

Other applicants make FOI applications without really knowing what they are looking for, which Organisation might hold the information and whether such information even exists. It was agreed that prospective FOI applicants would benefit from more publicly available guidance and assistance at the outset, including the creation of a generic application form that prompts them to provide sufficient details for a valid application and also better simple guidance to give them greater confidence and accuracy in their applications. This is a joint project that we will progress in 2021/22.

Unreasonable interference with operations

Section 25 of the Act allows Organisations to refuse to provide access to information if providing access would unreasonably interfere with the operations of the Organisation. Access can only be refused after the Organisation has unsuccessfully consulted with the applicant in a genuine attempt to narrow the scope of the search.

There has been a substantial increase in the number of applications refused under section 25 in the last two years. However, the bulk of these refusals (28 this year and 26 the previous year) have involved the Department of the Attorney-General and Justice (which includes Correctional Services).

In response to our queries, the Department has advised that refusals have been generally attributable to:

- an inability to communicate with the applicant because their correspondence was 'returned to sender' (likely from prisoners who are no longer in custody);
- the application made was illegible;
- the application duplicated a previous application from the same individual;
- the documents sought were available outside of the FOI process, e.g., they were publically available or available through another administrative process (e.g., Court transcripts).

We will continue to monitor utilisation of this ground.

Application and processing fees

The Act provides for charging of application fees and processing fees. Similar to other jurisdictions, the maximum fees chargeable are set in legislation at a level well below that required for organisations to recover the costs of administering the FOI scheme.

The fees are intended to act as a safeguard against frivolous and vexatious applications as they require an applicant to demonstrate their interest in obtaining the information by assisting with associated costs.

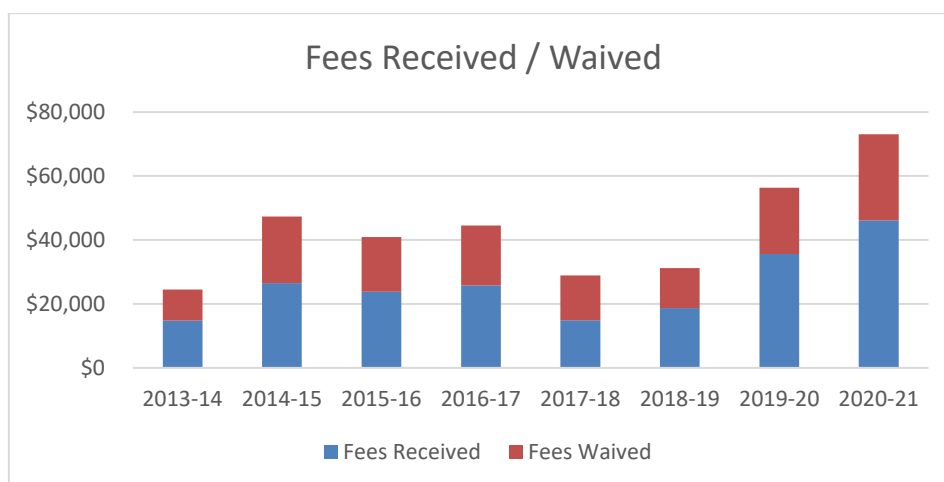
No application fees are chargeable for requests for purely personal information and organisations rarely charge processing fees for such requests. Processing fees are also seldom charged if the request is small and straightforward. The resources required to collect fees in a large number of small matters would be uneconomic.

For these reasons it is often difficult to comment with any confidence on the reasons for annual fluctuations in fees charged or waived beyond saying that the total fees received and waived are small in comparison to the actual costs of dealing with over 1,500 applications.

Comparative table: Fees received and waived

	Total fees received	Total fees waived	Percentage waived #
2013-14	\$14,761	\$9,770	40%
2014-15	\$26,469	\$20,891	44%
2015-16	\$23,788	\$17,179	42%
2016-17	\$25,799	\$18,702	42%
2017-18	\$14,899	\$14,041	49%
2018-19	\$18,666	\$12,587	40%
2019-20	\$35,628	\$20,670	37%
2020-21	\$46,159	\$26,912	37%

This figure represents a percentage of the total of fees that could be charged *not* a percentage of the fees received.



FOI Correction applications

The scheme in the Act which allows people to apply to correct their own personal information (Part 3 Division 3) is seldom utilised.

No doubt difficult matters where organisations are reluctant to amend the record are the ones that result in formal correction applications being made. The refusal to correct may be because the Organisation does not consider that there is an error on the file or they may consider that the error/wrong information is historical only. There is an option for a notation to be placed on the file to record the applicant's concern.

In 2020/21, 10 applications to correct personal information were received by 7 Organisations, with 2 carried over from 2019/20.

Of the 11 correction applications finalised during the reporting period, 4 progressed to internal review, all of which confirmed the original decision of the Organisation. The finalised applications were dealt with by the Organisations as follows:

- 2 resulted in corrections being made by the Organisation as requested;
- 2 resulted in partial or negotiated corrections;
- in 7, correction was refused but in 1 of those cases, a statement expressing the applicant's views was associated with the information.

Further details on correction applications are included at Appendix 2, Table 2.

Timeliness measure for agencies

At the end of the reporting period, organisations are requested to provide statistical data regarding their compliance with legislative timeframes when finalising FOI applications within the 30 day statutory timeframe or any valid extension period.

The extension period makes allowance for reasonable delays in processing large applications or in consulting third parties if their personal or confidential information is intended to be released.

Data on this measure is collected annually as it provides a good indicator of how public bodies are managing an increasing workload and how the FOI scheme is working in terms of timeliness.

Time taken	Access	Internal Review
Finalised within 30 days of receipt of application	78%	75%
Finalised within 31 to 90 days of receipt with a valid extension	16%	17%
Finalised after 90 days of receipt with a valid extension	5%	8%

The figures show that a great majority of applications are finalised within 30 days.⁹ Public sector organisations reported 78% of access applications, and 75% of internal reviews were finalised within 30 days. The proportion finalised within 90 days with a valid extension rose to 94% of access applications and 92% of internal reviews. However there was an increase in the proportion of matters finalised after 90 days compared with the previous year.

The question of timeliness will continue to be monitored by this Office as there are anecdotal concerns expressed by a number of organisations that they do not have sufficient resources to manage workload in a timely manner.

Challenging behaviours

No applications have been received this year for a declaration that a person is a vexatious applicant under section 42 of the Act. Even so, organisations continue to contact the OIC seeking advice on appropriate methods for managing individuals whose conduct or demands appear to them to be unreasonable.

These types of situation need to be well managed as they can place considerable strain on everyone involved and require a reasoned, carefully implemented and staged approach to manage escalating behaviour. Our Office will continue to assist FOI officers and complainants with advice on maintaining a productive and workable relationship wherever possible.

Public resources to assist with management of challenging complainant conduct, include:

Ombudsman NT website: <http://www.ombudsman.nt.gov.au/node/99/unreasonable-complainant-conduct> , with links to NSW Ombudsman documents.

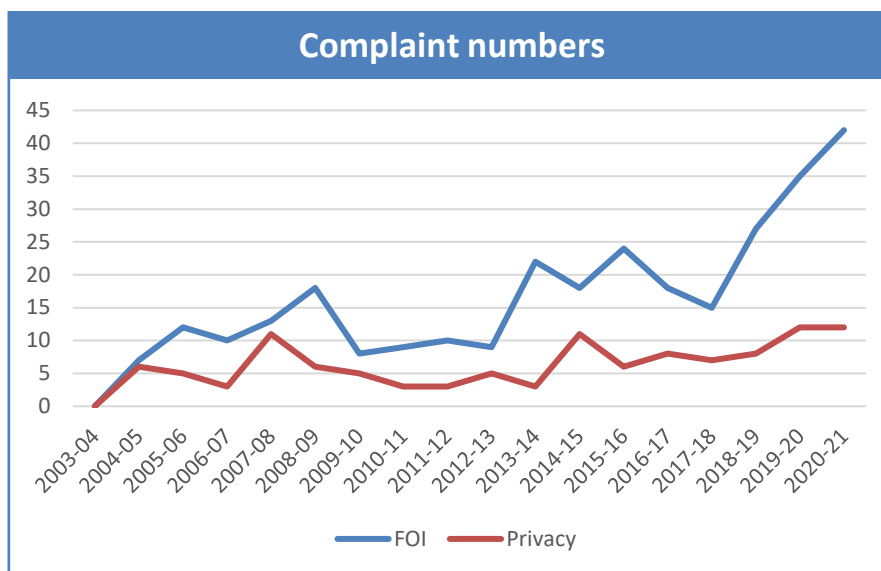
Victorian Ombudsman website: particularly the *Good Practice Guide to Dealing with Challenging Behaviour*, <https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/>

Queensland Ombudsman website, *Identifying and managing unreasonable complainant conduct*, <https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/managing-unreasonable-complainant-conduct/identifying-and-managing-unreasonable-complainant-conduct>.

⁹ Proportions are based on figures as provided by Organisations.

Complaints to the Information Commissioner

The number of FOI complaints received by the OIC has increased substantially since the commencement of the Office and in the last 5 years alone, new complaints received have increased by 75%. In the last two years, they have risen from 27 to 42.



While, the OIC has managed to close substantially more matters (40 in 2020/21 compared to 29 in 2019/20), the limited resources available to the Office and the need to deal with a substantial number of carry-over cases, has meant there remained a backlog of 29 FOI complaints open at the end of year.

The table below lists FOI complaints handled by our Office during this reporting period.

PSO*	New Complaint	Carried Over	Finalised	Open at EOY
CDU	1			1
CoP		1	1	
DAGJ	4	3	5	2
DCMC	3	1	4	
DEPWS	2	1	2	1
DIPL	2		1	1
DITT	5	3	4	4
DoE	7	7	5	9
DoH		8		8
DTFHC	1	1	2	
LSNT	1			1
OCM	4		3	1
OCPE	2		2	
PFES	9	2	10	1
PWC	1		1	
TOTAL	42	27	40	29

* Organisations that were the subject of FOI and correction complaints. Only one correction complaint was received. Refer to Appendix 2 for details of acronyms for Organisations.

Outcomes of FOI and Correction complaints made to OIC

This year the OIC received 42 new FOI and Correction complaints, with 27 matters carried over from 2019/20. Not every complaint made to the OIC can be accepted. Some are refused because they do not meet the criteria for complaint (e.g., the Organisation has not had the opportunity to undertake an internal review of its own decision or the matter complained of is not a valid ground for complaint). In 2020/21, 16 matters were not accepted by the OIC as meeting threshold requirements.

In an effort to obtain a satisfactory outcome for the parties in a timely manner, the OIC puts considerable effort into attempting to achieve early resolution of complaints wherever possible. This is no easy task because by the time a complaint is made to the OIC, the parties have often adopted entrenched positions. Some matters resolve through formal or informal mediation and others through the provision of a 'preliminary view'.

During 2020/21, 12 complaints were resolved informally. A further 8 were discontinued at the complainant's request or because of a lack of interest by the complainant in pursuing their matter. Four complaints required the OIC to prepare a formal *prima facie* decision under section 110 of the Act.

One FOI matter finalised during the reporting period was referred to the NT Civil and Administrative Tribunal (NTCAT) for hearing at the request of the complainant.

Timeliness

OIC's timeliness for outcomes in 2020/21 was significantly impacted by increased demand, limited resources and the need to accommodate the personal circumstances of a number of complainants which limited their ability to participate in a timely manner. These complaints make up the majority of matters that have taken over 12 months to finalise. Outcomes were:

- 60% of matters finalised between 0–6 months
- 13% of matters finalised between 6-9 months
- 15% of matters finalised between 9-12 months
- 12% of matters finalised over 12 months.

FOI case studies

Fees

The complainant approached our Office because they were concerned about the large amount of fees they were charged by an Organisation for processing their FOI application.

The complainant had earlier received from the Organisation an estimate of fees for processing their application. They accepted the estimate and paid the amount in full. However, the complainant was aggrieved by the fees charged when they realised that the estimate overstated the number of pages to be released. The complainant received approximately 100 pages fewer than estimated and 85% of the pages released were duplicates. The complainant considered this to be an unusually high number of duplicates and had expected the Organisation would consult with them to discuss whether duplicates were required.

A complaint about fees was made to our Office. After investigation, the OIC provided a preliminary view to the Organisation and after further consultation, the Organisation refunded monies to the complainant.

Third Party Objection

The complainant was a third party objecting to the release of information by the Organisation to the FOI applicant. The third party considered that the information proposed to be released was personal information of its employees. The complainant objected because it considered the release of information to be an unreasonable interference with their privacy. The OIC obtained a copy of the information proposed to be released. After assessing the information and discussions with the relevant parties, the OIC identified a middle ground whereby the third party was agreeable to the release of some information and the FOI applicant agreed to receive that information in full settlement of the complaint.

Application for extension of exemption period

In 2020/21, I finalised one application from a third party objector mining company to extend the time for exemption of information relating to its operations.

In *Re Various Applications Under the Information Act 2002 [No. 2]* [2020] NTCAT 2, the NTCAT determined that a third party objector can only pursue an exemption-related objection to disclosure on the basis of an exemption with respect to which it was entitled to be consulted under section 30 of the Act. This meant the objector was limited to contending for exemption under section 57(1) of the Act, the commercial and business information exemption.

However, there is a five year time limit on this exemption (section 57(4)) and the third party objected to disclosure of some information that was created or obtained by the Organisation more than five years ago. Section 57(6) of the Act provides for extension of that timeframe by the Information Commissioner in certain circumstances, so, in order to have any prospect of sustaining a claim to exemption, the objector needed to apply to me for an extension.

In the course of my reasons for decision, I made the following general points:

Section 57(6) of the Act provides a power in relation to discrete pieces of information, not to some broad extension of the limitation periods set out in the exemptions.

The decision is not a decision that any part of the information is exempt, it is a decision that the time limit in respect of the information is extended, meaning that it could qualify for exemption if the necessary elements are met. Even if the time limit is extended, separate consideration still needs to be given to whether any of the information qualifies for exemption.

The provision allows extension to a limited period fixed by reference to an event, for example the expiry of proceedings or an appeal period.

The public interest test is broad enough to encompass recognition of the need to protect private interests in a particular case. This is supported by the Objects of the Act (s 3).

The power to extend a time limit should be viewed in the context of the elements necessary to establish the exemption but is not limited to those elements.

The provision does not require an application to be made prior to the expiry of the 5 year period. In practical terms, the only time a third party is likely to be concerned about the limitation is when they are in the process of responding to an access application. This may arise at any time, potentially well after the five year limit has expired. If an application was required to be made prior to expiry, the Commissioner might be subject to countless applications from businesses seeking to preserve their rights, to guard against the comparatively rare prospect that an access application might be made in the future.

There is no specific provision for an application process but a clear statutory intent that the matter can be raised with the Commissioner. While one might ordinarily imagine such an issue would be raised in the course of initial consultations or a complaint to the Commissioner, there is no statutory bar to the matter being raised at any time.

...

In considering the exercise of the discretion, it is relevant that the Legislative Assembly determined to set a five year limit on application of the exemption as a default. There is no suggestion that the operation of the exemption should be extended beyond the five year limit as a matter of course merely because information might still qualify for exemption.

... the strength of [the] claim to exemption under section 57(1) at this time and the existence of reasons why the claim should be able to be maintained beyond the five year period are key factors in considering the application.

I analysed the strength of the contention that the information would continue to qualify for exemption under section 57(1). The information was created or obtained in 2014 and 2015. I noted that a large amount of information about the operations of the objector was already publicly available and that most of the matter in issue did not appear to have been obtained from the objector (the exemption applies only to information that would disclose information obtained from an undertaking).

I reviewed the information in issue and the submissions of the objector, concluding that I did not consider that disclosure of any of the information in issue at the time of my decision would be likely to expose the undertaking unreasonably to disadvantage.

In considering the public interest, I noted the example of public interest factors favouring disclosure in section 57(2)(d) was on point in this case, namely, *"the public interest in evaluating aspects of government regulation of corporate practices or environmental controls"*.

I concluded that there were substantial public interest factors favouring disclosure of the information that remained of substance even with the passage of time. I did not consider that the information before me, including the submissions of the objector, raised substantial public interest factors weighing against disclosure at this time.

I ultimately decided that there would be no realistic prospect of any of the information in issue qualifying for exemption under section 57(1) at this time.

I did not identify any substantial factors that would warrant an extension of time under section 57(6) in relation to any of the information in issue. I was not of the opinion that it was in the public interest to extend time and so declined the application.

NTCAT proceedings

Following a decision finalising an Information Commissioner complaint, an aggrieved party can apply to the Commissioner to refer the decision to the NTCAT for hearing. In such cases, the OIC prepares a referral report to the NTCAT and, in some cases, participates in the Tribunal proceedings.

During 2020/21, two matters were referred to NTCAT. A privacy matter was resolved at mediation as part of NTCAT processes and an FOI matter is ongoing.

During the period, a 2019/20 referral to NTCAT proceeded to hearing and was finalised by the decision summarised below.

EJ v Charles Darwin University [2020] NTCAT 32 (3 September 2020)¹⁰

The proceeding related to an application under section 31 of the Act where the applicant sought to have numerous pages of his university file corrected by deleting certain information. The information related to negative comments made about the applicant's performance during practical placements at various schools in 2012/13. For privacy reasons, the parties agreed that the applicant's name should be anonymised with initials and initials were also used for other individuals.

The applicant relied on submissions that all of the offending statements on file were not true and should be deleted. The respondent's four reasons for refusing to delete the information were that the information was not inaccurate, it was 'historical only', deletion is not permitted under the Act and deletion is contrary to the University's internal guidelines.

Subsection 34(4) of the Act provides that an organisation is not required to correct information that is 'historical only'. The NTCAT rejected the submission that the information fell within this category. The Tribunal noted that the information was still relevant to the applicant regardless of whether the respondent regarded the student's file as inactive and also noted that the file was active only 2 years ago.

The Tribunal also rejected the submission that deletion is not permitted under the Act, noting that section 3 defines 'correct' to mean '... alter by way of amendment, deletion or addition'. It held that there is power under the Act to delete information for the purposes of correction.

The Tribunal concluded there is power to delete records under the Act notwithstanding the respondent's internal guideline requiring their storage until 2022. The guideline is not an instrument generated under the Act and could not trump or prevent the exercise of a power otherwise permitted by the Act.

¹⁰See <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/nt/NTCAT/2020/32.html>

Finally, the Tribunal turned to the question of whether the information was inaccurate, incomplete or out of date. The Tribunal noted that opinion information will only be regarded as inaccurate in exceptional circumstances. It stated that the applicant has the burden of proof, and this includes the burden of proving that there is an inadequacy of information such as to render the opinions dangerous to rely upon.

In this case, the evidence included information from different schools referring to opinions about the applicant's conduct. Although the applicant vehemently denied that these events occurred, the Tribunal was not persuaded that there was a total inadequacy of information underlying the opinions and that the opinions were inaccurate.

In these circumstances, the Tribunal found the respondent's decisions rejecting the applicant's applications to correct his personal information were correct and those decisions were confirmed.

Privacy protection

The Office of the Information Commissioner (OIC) is the ‘privacy watchdog’ for the NT public sector. The Office investigates and mediates privacy complaints made by individuals against public sector organisations (Organisations) in circumstances where the Organisation has been unable to resolve the complaint.

A complainant is first required to approach the Organisation and give it a reasonable chance to resolve or rectify the matter complained of before coming to the OIC.

Attempts are made at an early stage to resolve complaints. Mediation allows parties to have open and frank conversations about an alleged breach of privacy and exchange information in a protected setting. On occasion, this exchange of information may alter each party’s perception of what occurred and/or help them understand the other’s point of view.

While settlements are confidential, outcomes achieved at mediations this year included payments of compensation, letters of apology or explanation, agreements by Organisations to undertake particular actions and an opportunity provided to an applicant to work with an agency to develop or improve written material.

If matters don’t resolve through a complaint to our Office, the individual can seek referral to the NTCAT for a decision as to whether or not a privacy breach has occurred and whether orders should be made to rectify the breach or compensate the complainant.

The OIC also allocates significant resources to educating public officers about their privacy obligations and to providing advice and comment on proposed legislative change or new initiatives that may impact on privacy rights.

In addition, we provide education and advice to the public on their privacy rights under the Act.

Privacy complaints to Organisations

Legislative reporting requirements for Organisations in relation to privacy complaints are not as structured as for FOI complaints. We do not know, for example, how many privacy complaints are made to Organisations each year. We only know about matters disclosed when a person or Organisation consults us voluntarily about a possible breach or matters that result in a complaint to the OIC.

In an attempt to gain insight into the management of privacy complaints by Organisations, our Office now seeks additional information from Organisations on an annual basis. A brief description of reported information is set out below.

A public sector organisation interferes with a person’s privacy if the Organisation contravenes an IPP, a code of practice or an authorisation (section 67 of the Act).

During 2020/21, privacy complaints to Organisations alleged breaches of various information privacy principles, including use and disclosure of personal information (IPP 2), information security (IPP 4) and collection of personal information (IPP 1).

No. of Organisations that reported alleged breach (by IPP)

IPP		Total
IPP 2	Use & Disclosure	10
IPP 4	Data Security	6
IPP 1	Collection	3
IPP 6	Access and Correction	3
IPP 10	Sensitive information	3

The most commonly reported remedies taken in resolution of privacy complaints to Organisations were an apology, an undertaking that the conduct complained of would not be continued or repeated and an agreement to make changes to the Organisation's practices or systems.

No. of Organisations that reported a particular remedy

Remedy	Total
Apology	9
Refrain from repeating or continuing	7
General change to practices or systems	6
Compensation	1

Privacy complaints to the OIC

The OIC received 11 new complaints alleging privacy breaches during the reporting period, to add to 13 carried over from the previous year. The following table lists privacy complaints handled by the OIC in that period.

Organisation complained about	New complaints	Carried over	Finalised	Open at EOY
DAGJ	3	1	4	
DCM	1			1
DIPL	1		1	
DITT	1		1	
DoE	3	1	2	2
DoH		7	2	5
DTFHC		2	2	
OCPE	1		1	
PFES	1	2	2	1
TOTAL	11	13	15	9

As with FOI complaints, valid privacy complaints¹¹ are finalised in one of the following ways:

- resolved informally via mediation processes or following acceptance of a 'preliminary view' from the OIC;
- discontinued at the complainant's request or because of a lack of interest by the complainant in pursuing their matter;
- a *prima facie* decision is made under s110 of the Act dismissing the complaint; or
- a sustained complaint is mediated.

During 2020/21, the Office's approach of resolving complaints at the earliest opportunity resulted in six complaints being finalised informally or at mediation, avoiding a drawn out investigative process.

A further three complaints were investigated before a decision was made to dismiss them because there was insufficient *prima facie* evidence to substantiate the matter complained of. Two more were discontinued after discussion with the parties.

If not resolved, a complaint may be referred to the NTCAT for hearing. One finalised privacy complaint was referred for hearing to the NTCAT in 2020/21.

Timeliness

OIC's timeliness results in 2020/21 were significantly impacted by a number of complainants whose personal circumstances prevented them from being able to participate in a timely manner. These complaints make up the majority of matters that have taken over 12 months to finalise. Timeliness outcomes for privacy complaints were:

- 60% of matters finalised between 0–6 months
- 13% of matters finalised between 6-9 months
- 27% of matters finalised over 12 months.

Privacy case studies

Unlawful activity

Two separate privacy complaints were received by the OIC alleging a breach of IPP 2.1 (use and disclosure) on the basis that an Organisation had disclosed personal information about the complainant to another individual or organisation. The disclosed information was about the complainant's conduct and behaviour. The information was used by the third party to the complainant's detriment.

¹¹ Four complaints were not accepted as valid because they did not comply with s104(2) of the Act or the information the subject of the complaint was not considered to be personal information.

The Organisations each stated that their actions were permitted by IPP2.1(e) because they had reason to suspect that unlawful activity had been or was being engaged in and the information was disclosed to report their concerns to relevant persons or authorities.

Both complaints were accepted and scheduled for early mediation. The first complaint proceeded to early mediation however did not resolve. A prima facie decision was made dismissing the complaint as there was insufficient prima facie evidence to substantiate the matter complained of.

The second complaint was resolved by agreement at early mediation between the parties with the Organisation providing a letter of clarification to the third party detailing the circumstances of disclosure to the third party and the context of the complainant's conduct.

Accessing apps and images

A complaint was lodged alleging an Organisation had breached the complainant's privacy by viewing apps on their mobile phone confiscated as evidence by the Organisation as part of an investigation. The complainant was concerned that apps containing personal information and images were viewed by officers within the Organisation over the period that the mobile was in the Organisation's possession.

The Organisation provided a thorough and detailed written explanation to the complainant outlining how the mobile was securely stored, the times the mobile was accessed, what apps were accessed and the sensitive manner in which images on the mobile were searched by female officers. The complainant accepted the explanation provided.

Personal information viewed on website

A complainant lodged a complaint with the OIC alleging a breach of privacy by an Organisation which included the complainant's personal information within information that was uploaded onto a public website. The matter was scheduled for early mediation and was resolved on the terms of agreement of a letter of apology, payment of compensation, confirmation by the Organisation that the information had been removed from the website and that a request was made to Google to make the necessary changes so that the information could not be reached using the Google search engine.

Disclosure authorised by law

A complainant alleged a breach of privacy by the Organisation when personal information about the complainant was disclosed to their employer, a contract services provider of the Organisation. The Organisation stated that the disclosure was authorised by a law of the Northern Territory. The matter was scheduled for mediation and resolved by agreement between the parties. During the mediation the parties exchanged information explaining the circumstances of the disclosure. The Organisation acknowledged the disclosure was poorly handled and that discussions with the complainant should have occurred prior to the Organisation's disclosure. A payment of compensation was made and the Organisation agreed to the complainant's input into the development of policies/procedures.

Responding to the COVID pandemic

The OIC has engaged with Organisations and members of the public in relation to various issues raised by the COVID pandemic.

In addition, we have liaised with national and state counterparts on national COVID-related initiatives that raise privacy issues and I have agreed to engage in joint statements that touch on privacy and COVID, e.g., *Make privacy a priority in 2021: Joint statement by Privacy Authorities Australia* <https://www.oaic.gov.au/updates/news-and-media/make-privacy-a-priority-in-2021-joint-statement-by-privacy-authorities-australia/>.

Recently, the Office of the Australian Information Commissioner and state and territory privacy commissioners and ombudsmen have agreed on a set of universal privacy principles, the **National COVID-19 Privacy Principles**, to support a nationally consistent approach to solutions and initiatives designed to address ongoing risks related to the COVID-19 pandemic.

These high-level principles provide a framework to guide a best practice approach to the handling of personal information during the pandemic by government and business. Policymakers enacting laws or rules or developing technological solutions that involve the handling of personal information are encouraged to have regard to these principles (set out below) to ensure that a privacy-by-design approach is built into the COVID-19 response to help maintain public trust:

Data minimisation

The collection of personal information, including sensitive information such as health information, should always be limited to the minimum information reasonably necessary to achieve a legitimate purpose. This includes considering alternative solutions which achieve the same purpose and do not require personal information to be collected into a record.

Purpose limitation

Information that is required to be collected for a specific purpose related to mitigating the risks of COVID-19 should generally not be used for other purposes. This is particularly important to ensure that Australians can have trust and confidence that their personal information is protected so they can continue to support the public health response to COVID-19.

Security

Reasonable steps must be taken to protect Australians' personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure. In line with community expectations, personal information should be stored in Australia.

Retention/deletion

Personal information should be destroyed once it is no longer needed for the purpose for which it was collected. The Australian community expects that the information they provide to support the COVID-19 public health response will not be retained indefinitely and should be deleted as soon as it is no longer needed.

Regulation under privacy law

Australians' personal information should be protected by an enforceable privacy law to ensure that individuals have redress if their information is mishandled, either the Privacy Act 1988 (Cth) or a state or territory privacy law. This extends rights and protections to all Australians where their information is being shared for public health purposes.

Data breach notification

There is no legislative requirement on Organisations or public officers to advise the Commissioner when there has been a privacy (data) breach but it is common for Organisations to inform us and seek our advice. In the past year, there have been 17 reports of an alleged privacy breach made to the OIC by an Organisation or public officer and numerous related enquiries.

The breaches were of varying levels of seriousness and occurred in both large and small organisations and in various parts of the Territory. Most of the breaches appear to have been due to human error but it is pleasing to see that deliberate or reckless breaches have been taken very seriously by Organisations, and have led to action as significant as the dismissal of the public officer involved.

When notified of a privacy breach by an organisation, this Office provides advice about options for action and possible steps to minimise the risk of harm to the individuals affected. It is most important that affected individuals are made aware of any serious breach and that they are aware of their right to make a privacy complaint should they wish to do so. We also work with organisations to minimise their future risk and to improve their privacy protection and staff training.

As in previous years, several notifications and related enquiries disclosed poor processes or inadequate staff training to minimise the risk of a data breach within an organisation. There is a concern that because there is no scheme for mandatory reporting, the true number of privacy breaches may be significantly higher than the number made known to the OIC.

We have been advised that a draft Data Breach Plan and Policy for NT government agencies is currently under development and we have provided feedback on the proposal during 2020/21. The introduction of a robust mandatory data breach notification system, consistent with other Australian jurisdictions, would be a significant step in protecting the privacy of Territorians.

Grant of Authorisation

A grant of authorisation under section 81 of the Act allows an Organisation to collect, use or disclose personal information in a manner that would otherwise contravene or be inconsistent with the Information Privacy Principles. No section 81 grants of authorisation were approved by the Commissioner during 2020/21.

OIC Operations

General Enquiries

Although the front counter remains open for those individuals wanting to attend our Office in person, the OIC receives most general enquiries via telephone and email from public officers, community members and non-government organisations. A benefit of combining with the Ombudsman's Office is that staff can now more easily take enquiries and complaints from incarcerated enquirers, leading to further improved service to these individuals.

During 2020/21, the OIC received 438 general enquiries, in addition to formal complaints and applications. Often these enquiries relate to simple matters about how to complain or what information to include in a complaint. Some enquiries however are far more complex, involving consideration of jurisdictional issues or interpretation of the Act.

Advice and comment on policy and legislative change

One of the key roles of the Office is to provide expertise with regard to FOI and privacy matters at an early stage, facilitating the design of new initiatives in a way that promotes transparency and accountability, and reasonable information sharing, while treating personal information with appropriate care.

While staff in the Office are not able to provide legal advice, they regularly provide professional guidance and support to organisations during the development and review of practices, policy and legislation. Advice is largely provided on an 'on-request' basis, so the hours recorded fluctuate depending on the types of initiatives being developed by organisations and the extent to which the Office is approached for assistance.

During 2020/21, the OIC recorded 387 hours of advice provided to Organisations and other stakeholders on matters relevant to the Act, mainly on privacy issues. Topics covered included:

- Advice on appropriate information sharing between government agencies and sharing with entities outside the NT Government;
- Advice on how to best manage a privacy breach;
- Advice on collection of information and information sharing for COVID-related reasons;
- Advice on whether various bodies were considered to be public sector organisations under the Act and the implications for them;
- Comment on proposed legislation impacting on the rights of individuals from a privacy perspective;
- Advice on access to CCTV footage held by Organisations;
- Advice on issues of consent regarding the sharing of medical information.

As regards legislative change, there was one amendment to the *Information Act 2002* during the reporting period. The *Serious Sex Offenders Amendment Act 2021* (Act No. 12, 2021) amended the Secrecy provisions in Schedule 1 of the *Information Act 2002* by including section 112 of the *Serious Sex Offenders Act 2013*. This means that information is exempt from disclosure through FOI if its disclosure to the applicant would be an offence against section 112. The amendment commenced on 5 July 2021.

Examples of comment made by this Office on proposed legislative change and/or policy amendments included:

- In late 2020, the OIC approached the Department of the Attorney-General and Justice following decisions of the Victorian County Court and the Victorian Information Commissioner on the application of the *Surveillance Devices Act 1999* (Vic) which raised the prospect of an impact on FOI applications for release of police body worn video (BWV) as they fell within the category of ‘protected information’ under the *Surveillance Devices Act 2009* (NT). Such information was protected under a listed *Information Act 2002* secrecy offence and may therefore have been exempt without being subject to a public interest test. Following representations from our Office, amendments to the *Surveillance Devices Regulations 2008* were made and commenced on 1 March 2021 to ensure that information caught on police BWV can be disclosed through FOI, for civil litigation and for other purposes.
- The OIC provided input into a protocol for complaint and information referral from the Australian Information Commissioner to State or Territory privacy authorities under Part VIIIA of the *Privacy Act 1988* (Cth). The protocol reflects the expectation that the Australian Information Commissioner may receive privacy complaints about State or Territory health authorities that relate to COVID tracing functions that fall outside the scope of Part VIIIA, but may involve a breach of applicable State or Territory privacy legislation. It recognises that State or Territory privacy authorities may be best placed to investigate State or Territory health authorities in some circumstances and puts in place agreed protocols for information sharing and complaint management.

Awareness, education and training

During 2020/21, the Office hosted and contributed to 14 training and awareness sessions with a mix of in-person and virtual attendance. Virtual presentations are a relatively new practice for our Office, but are an effective way to maintain our training program during the pandemic. We have been pleased by the response from Organisations and other stakeholders. We also utilised online resources (including our website) to ensure that Organisations and the community remained aware of the need to protect privacy when designing and implementing new initiatives in response to the COVID pandemic.

Initiatives during 2020/21 included:

- The Office once again facilitated **FOI Training** conducted by an external FOI expert, with two blocks of training sessions in October 2020 and one block of training in May 2021, all of which were fully booked. This training was expanded from previous years to include introductory and advanced training courses for Information Officers, a two

day introductory course, a half-day training course for Senior Managers/Executives, a separate half-day course for Internal Reviewers and a full day Refresher course. Across all training sessions, a total of 89 people attended in person or virtually. Feedback from the training was consistently positive.

- **Privacy Awareness Week (PAW)** is an annual event that highlights the importance of protecting personal information and helps organisations, agencies and the public negotiate the privacy landscape. Regular PAW celebrations in the NT were able to recommence in 2021, with the PAW forum being held on 5 May 2021. This year's campaign theme *Making Privacy a Priority* highlighted the importance of protecting personal information and was aimed at helping government organisations and the public understand their privacy rights and responsibilities. With current room capacity restrictions on personal attendance, the forum drew approximately 20 participants in person and 100 virtual attendees. Guest presenters at the forum were Nicole Stephensen, privacy consultant, who encouraged Organisations to routinely include Privacy by Design principles when considering new initiatives; and Caroline Heske, Senior Policy Lawyer from DAGJ, who provided advice on identifying and navigating the legal and practical complexities of information sharing for Organisations in the NT. The forum was well attended and well received.
- On 4 May 2021, together with Privacy Commissioners across Australia, the Philippines and New Zealand, the OIC was a panel member in an **International Association of Privacy Professionals'** event titled *Influencing Privacy as a Priority: A Regulator's Perspective* in support of PAW Week. The event attracted over 350 on-line registrations from many jurisdictions.
- The 74th United Nations General Assembly proclaimed 28 September as the International Day for Universal Access to Information in 2019. It is a global celebration raising awareness of the importance of open government, and the public's right to access government-held information ensuring transparency and accountability in policy making, administrative decision making and government service delivery. In the NT we engaged in **International Access to Information Day** (also known as *Right to Know Day*) which explored the theme: *Building trust through transparency*, by providing information and resources online.

Appendix 1 – OIC Financial Performance

Detailed financial information regarding OIC operations now appears in the Ombudsman's Annual Report (in particular see the '*Comprehensive operating statement by output group*' at note 3 to the Financial Statements).

OFFICE OF THE INFORMATION COMMISSIONER EXPENSES For the year ended 30 June 2021

EXPENSES	2020-21 \$000
Employee expenses	400
Administrative expenses	34
<i>Purchases of goods and services</i>	30
Accommodation	-
Advertising	-
Communications	3
Consultants Fees	-
Consumables / General Expenses	-
Entertainment / Hospitality	-
Information Technology Charges	12
Information Technology	4
Consultants	
Insurance Premiums	1
Legal Expenses	-
Marketing & Promotion	1
Memberships and Subscriptions	1
Motor Vehicle Expenses	4
Office Requisites and Stationery	-
Official Duty Fares	-
Other Equipment Expenses	1
Training and Study Expenses	3
Travelling Allowances	-
<i>Property management</i>	4
TOTAL EXPENSES	434

Appendix 2 – Statistics by Public Sector Organisation

The following public sector organisations received or handled FOI applications during 2020/21. We appreciate their co-operation and assistance in the timely and accurate reporting of the information necessary for this report.

There were changes to titles of Organisations and functional responsibilities during the year. The abbreviations reflect titles and responsibilities at 30 June 2021.

Abbreviations for public sector organisations

AAPA	Aboriginal Areas Protection Authority
CDU	Charles Darwin University
CoD	City of Darwin
CoP	City of Palmerston
DAGJ	Dept. of the Attorney-General and Justice
DCDD	Dept. of Corporate and Digital Development
DCMC	Dept. of the Chief Minister and Cabinet
DEPWS	Dept. of Environment, Parks and Water Security
DIPL	Dept. of Infrastructure Planning and Logistics
DITT	Dept. of Industry, Tourism and Trade
DLA	Dept. of the Legislative Assembly
DoE	Dept. of Education
DoH	Dept. of Health
DTF	Dept. of Treasury & Finance
DTFHC	Dept. of Territory Families, Housing and Communities
JE	Jacana Energy
LRC	Litchfield Regional Council
LSNT	Law Society
MRC	MacDonnell Regional Council
NTLAC	NT Legal Aid Commission
OCM	Office of the Chief Minister
OCPE	Office of the Commissioner for Public Employment
PFES	Police, Fire and Emergency Services
PWC	Power and Water
TIO	Territory Insurance Office
TRBNT	Teacher Registration Board Northern Territory

TABLE 1 – Access applications and outcomes 2020-21

Details as advised by Organisations.

Org	Total Lodged	Full release	Part release	All exempt	Finalised other basis [#]	Total Finalised
AAPA	3	0	0	0	0	0
CDU	16	16	1	0	2	19
CoD	12	11	0	0	1	12
CoP	5	2	2	0	2	6
DAGJ	221	18	130	13	86	247
DCDD	11	1	4	0	6	11
DCMC	29	2	6	1	23	32
DEPWS	18	7	0	0	9	16
DIPL	48	12	17	0	15	44
DITT	32	8	10	4	14	36
DLA	2	0	1	0	0	1
DoE	39	4	23	0	16	43
DoH	417	265	37	0	107	409
DTF	5	1	1	0	4	6
DTFHC	245	23	186	5	42	256
JE	4	1	2	0	1	4
LRC	5	0	0	0	5	5
LSNT	1	0	0	1	0	1
MRC	1	1	0	0	0	1
NTLAC	1	0	1	0	0	1
OCM	33	1	3	9	9	22
OCPE	4	0	2	1	1	4
PFES	366	35	141	19	71	266
PWC	7	1	1	5	0	7
TIO	5	3	2	0	0	5
TRBNT	5	2	1	1	1	5
TOTAL	1,535	414	571	59	415	1,459

[#] For more detail on applications with other outcomes, see Table 1A below.

TABLE 1A – Access applications finalised on another basis 2020-21

Details as advised by Organisations.

Org	Wthdr	Transf	s18	s27	Fees	Excl	s25	Other	Total
CDU	0	0	0	0	2	0	0	0	2
CoD	1	0	0	0	0	0	0	0	1
CoP	1	0	0	0	0	0	0	1	2
DAGJ	4	8	1	18	3	2	28	22	86
DCDD	1	2	0	0	1	0	2	0	6
DCMC	1	13	1	0	0	1	0	7	23
DEPWS	3	2	0	3	0	0	0	1	9
DIPL	2	1	3	3	2	0	2	2	15
DITT	4	5	0	5	0	0	0	0	14
DoE	11	0	0	4	0	0	1	0	16
DoH	3	2	75	17	6	1	1	2	107
DTF	1	0	0	1	0	0	0	2	4
DTFHC	5	2	4	30	0	0	1	0	42
JE	1	0	0	0	0	0	0	0	1
LRC	0	0	0	0	2	0	0	3	5
OCM	1	0	1	4	1	2	0	0	9
OCPE	0	1	0	0	0	0	0	0	1
PFES	15	3	14	18	5	12	1	3	71
TRBNT	0	0	1	0	0	0	0	0	1
TOTAL	54	39	100	103	22	18	36	43	415

Notes:

Wthdr	Withdrawn
Transf	Transferred
s18	Invalid application
s27	Information does not exist, could not be identified or located
Fees	Non-payment of fee or deposit
Excl	Excluded from application of the Act or not covered by Act
s25	Unreasonable interference with operations
Other	Any other reason.

TABLE 2 – Information correction applications and outcomes 2020-21

Details as advised by Organisations.

	Lodged	Carried over	As Requested	Other Form	No Change	Withdrwn	Finalised	Statmnt
DAGJ	1	0	0	1	0	0	1	0
DoE	2	0	0	1	1	0	2	1
DoH	2	2	1	0	2	0	3	0
DTFHC	2	0	1	0	1	0	2	0
JE	1	0	0	0	1	0	1	0
PFES	1	0	0	0	1	0	1	0
TRBNT	1	0	0	0	1	0	1	0
TOTALS	10	2	2	2	7	0	11	1

TABLE 3 – Internal Review access applications and outcomes 2020-21

Details as advised by Organisations.

	Lodged	Carried over	s103(2)	Outcome		Withdrwn	s39A	Finalised
				Confirmed	Varied/ Revoked			
CDU	1	0	0	0	0	0	1	1
DAGJ	15	0	0	6	7	0	0	13
DCDD	1	0	0	1	0	0	0	1
DCMC	8	0	0	7	0	0	1	8
DIPL	5	0	0	4	1	0	0	5
DITT	2	2	0	1	2	1	0	4
DLA	1	0	0	1	0	0	0	1
DoE	4	1	0	3	1	0	0	4
DoH	5	3	0	2	3	3	0	8
DTFHC	2	0	0	1	1	0	0	2
LSNT	1	0	0	0	0	0	1	1
OCM	6	0	2	3	1	0	2	6
OCPE	2	0	0	2	0	0	0	2
PFES	5	0	2	2	3	0	0	5
PWC	2	0	0	1	0	0	1	2
TOTALS	60	6	4	34	19	4	6	63

Note: There are small variations from previous year due to machinery of government changes and notified change in categorisation.

TABLE 4 – Application Fees 2020-21

Details as advised by Organisations.

Organisation	Fees Received	Reduced/ Waived	Reduction
AAPA	\$90.00	-	-
CDU	\$60.00	-	-
CoD	\$330.00	-	-
CoP	\$30.00	-	-
DAGJ	\$660.00	12	\$360.00
DCDD	\$270.00	-	-
DCMC	\$810.00	3	\$90.00
DEPWS	\$480.00	-	-
DIPL	\$1,410.00	1	\$30.00
DITT	\$870.00	3	\$75.00
DoE	\$240.00	3	\$90.00
DoH	\$1,170.00	29	\$870.00
DTF	\$120.00	2	\$60.00
DTFHC	\$420.00	3	\$90.00
LSNT	-	1	\$30.00
OCM	\$240.00	2	\$60.00
OCPE	\$30.00		-
PFES	\$4,350.00	16	\$480.00
TRBNT	-	5	\$150.00
TOTAL	\$11,580.00	80	\$2,385.00

TABLE 5 – Processing Fees 2020-21

Details as advised by Organisations.

Organisation	Fees Received	Reduced/ Waived	Reduction
DAGJ	\$457.17	2	\$39.40
DCDD	\$274.00	-	-
DCMC	\$1,730.00	5	\$1,700.00
DoE	\$357.92	1	\$50.00
DEPWS	\$2,172.00	2	-
DIPL	\$9,686.29	11	\$2,154.77
DITT	\$4,647.08	6	\$9,573.03
DoH	\$5,004.60	46	\$3,215.60
DTF	-	3	\$650.00
DTFHC	-	108	\$4,888.90
OCM	\$1,150	7	\$1,555.00
OCPE	-	1	\$150.00
PFES	\$9,100.00	21	\$700.00
TOTAL	\$34,579.06	213	\$24,676.70



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