

1 Executive Summary

Personal information can be defined as information that identifies an individual or could identify that individual. State Government agencies properly require individuals to provide a range of personal information about themselves in order to deliver services, carry out law enforcement, administer regulations and perform other statutory functions. In short, effective and efficient service delivery, including protecting the well-being of individuals and the community, may require an agency to both collect, and disclose or share, personal information.

Inappropriate use of personal information is, however, as a matter of principle, wrong. Practically, it can compromise an individual's privacy leading to undesirable outcomes.

Alleged inaccuracy and inappropriate use of personal information is a source of complaint to the Ombudsman's office. These complaints provided an important base of evidence to suggest that this office should investigate the management of personal information by State Government agencies.

The objective of the investigation was to:

- determine whether the State Government agencies participating in the investigation (**the participating agencies**) are effectively managing personal information;
- if required, assist the participating agencies to improve their management of personal information; and
- identify good practice, lessons learnt and opportunities for improvement that might be useful to other State Government agencies in managing personal information.

To ensure a cost effective investigation with a timely outcome, the office determined to look at a sample of State Government agencies. To ensure that, as far as possible, the results of the investigation would have broader relevance to other State Government agencies, we used the following criteria to identify appropriate State Government agencies to participate in the investigation:

- the amount, range and sensitivity of personal information collected;
- the size of the program providing the service and the cross section of the community receiving the service; and
- the similarity of information collected and management processes to those of other State Government agencies.

State Government agencies considered for inclusion in the investigation did not need to meet all of the above criteria.

The office used a series of agreed good practice principles to assess the way in which the participating agencies were managing the personal information they collect and hold. These principles were based on national and state legislative requirements, agency specific legislation and internationally accepted good practice.

The office collected information about participating agencies' practices through:

- collection of details about the volume and type of personal information collected and held by each participating agency;
- a structured walk-through of agency processes for collecting, processing, storing, using, disclosing and destroying personal information; and
- fieldwork, including visits to branch offices, file and document reviews, interviews with key staff and contractors and reviews of internal controls.

At the completion of the fieldwork, the Ombudsman provided a preliminary report to the Chief Executive Officer of each participating agency setting out observations about the management of personal information at their agency and suggestions for administrative improvement. The participating agencies all received the observations positively. They have already implemented a number of the suggestions for administrative improvement and have taken steps to implement the other suggestions.

Feedback from the participating agencies regarding the preliminary reports was then taken into account in the development of this final report (**the Report**). The Report draws upon the observations and suggestions made in the individual agency reports, for the benefit of other State Government agencies. It sets these out as good practices identified during the investigation, together with observations about opportunities for improvement for the participating agencies. It is expected other State Government agencies will find it useful to reflect on both of these sets of findings.

To further assist State Government agencies, Chapter 5 of the Report consolidates the good practice principles, with examples of good practice and opportunities for improvement for the participating agencies, into a checklist for managing personal information. This checklist is designed to assist State Government agencies:

- to consider their own management of personal information against commonly accepted principles; and
- if required, to identify aspects of their own management of personal information that do not meet the principles and therefore represent opportunities for improvement.

1.1 Key findings

Each of the good practices and opportunities for improvement in the Report has been drawn from one or more of the participating agencies. While they were drawn from the participating agencies, not necessarily all were observed in each participating agency. A 'good practice' was considered to have been demonstrated when agency staff had effectively put one of the good practice principles into action. The opportunities for improvement identified relate specifically to the participating agencies and varied in terms of their significance.

1.1.1 Good practices observed

Examples of good practices observed included:

- there was an understanding of the importance of managing personal information effectively;
- maintaining the privacy of personal information was seen as part of day to day business;
- a clear, comprehensive and easily accessible privacy statement was available to individuals providing personal information;
- practical steps were taken to ensure that people from non-English speaking backgrounds understood the purpose and implications of providing their personal information;
- quality controls were used to improve the accuracy of personal information entered into agency Information and Communications Technology systems (**ICT systems**);
- there was an ongoing proactive approach to updating personal information to ensure it remained accurate;
- specific authorisation processes for the disclosure of personal information were established and used; and
- there were controls that were actively managed to protect personal information stored in both paper-based and electronic form from unauthorised access by both staff and people outside the agency.

1.1.2 Opportunities for improvement

The opportunities for improvement included that:

- individuals were at times not made aware of why their personal information was being collected;
- personal information that was not directly related or necessary to the agency's functions and activities or otherwise required by law was at times collected;
- some ICT systems did not facilitate the effective disposal of personal information when it was no longer necessary for service provision (and it would have otherwise been lawful to dispose of the information);
- there were instances where personal information recorded in paper form was not kept secure;
- safeguards over personal information held in electronic form included in the design of an agency ICT system, were at times not used in practice;
- measures to prevent inappropriate use and disclosure of personal information by third party service providers were at times not in place; and
- at times there was uncertainty about how to apply the good practice principles to the personal information of children.

Chapters 3 and 4 provide further detail about the good practices and opportunities for improvement observed during the investigation.

Chapter 5 utilises the examples of good practice and opportunities for improvement to create a checklist to assist State Government agencies to manage personal information.