

Appraisal log

Office of the Information Commissioner Retention and Disposal Schedule

Office of the Information Commissioner

Date: 8 December 2016

Function	Scope note
RIGHT TO INFORMATION AND INFORMATION PRIVACY EXTERNAL REVIEWS	<i>The function of reviewing the merits of decisions made by state and local government agencies, ministers and public authorities about access to, or amendment of, documents under the Right to Information Act 2009 and about access to, and amendment of, personal information under the Information Privacy Act 2009.</i>

Activities
<ul style="list-style-type: none"> Applications

Disposal authorisation	Record class and retention period	Justifying the retention period
1584	<p>External review applications – significant</p> <p>Records relating to applications for external review of a <i>Right to Information Act 2009</i> decision or an <i>Information Privacy Act 2009</i> decision lodged with the Office of the Information Commissioner which:</p> <ul style="list-style-type: none"> are subject to QCAT appeal or judicial review through the Supreme Court involve the declaration of a vexatious applicant generate significant interest and/or controversy lead to a major change in government policies, procedures or legislation are precedent-setting. <p>Retention period & trigger</p>	<p>Background/business process:</p> <p>This class covers records relating to applications for an external review of Right to Information (RTI) and information privacy decisions lodged with the Office of the Information Commissioner (OIC).</p> <p>The external review process involves identifying whether agencies and ministers have taken all reasonable steps to locate relevant documents, as well as deciding applications for extensions of time to process access applications. Where possible, external review applications are resolved informally. If, however, informal resolution cannot be achieved, a formal decision is issued affirming, varying or setting aside the agency/minister's decision. Decisions of the Information Commissioner can be appealed through the Queensland Civil and Administrative Tribunal (QCAT) and may be subject to judicial review.</p> <p>To ensure the deliberations and decisions relating to each case are documented in full, each case (or application) is managed holistically as a single record across the entire external review process from receipt to closure.</p> <p>As with the previous version of the schedule (QDAN376 v.3) three classes cover applications made to the Information Commissioner for the external review of decisions relating to access to information under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i>. The classes have been split between those applications, which generate a significant impact on the policies, procedures and legislation of the government (this record class 1584) and those that do not have ongoing significance (record classes 1585 and 1586).</p> <p>Given that the external review process under the <i>Information Privacy Act 2009</i> and the <i>Right to Information Act 2009</i> are identical and managed together, administratively it is more efficient and</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
	Permanent. Transfer to QSA after business action completed.	<p>accurate to merge the equivalent classes in QDAN376 v.3 under the activity '1.1 applications' relating to RTI external reviews and activity '2.1 applications' relating to information privacy reviews.</p> <p><u>Referrals</u></p> <p>The Information Commissioner may also refer a question of law arising from an external review to the QCAT.</p> <p><u>Vexatious applicants</u></p> <p>Under the <i>Right to Information (RTI) Act 2009</i> and the <i>Information Privacy (IP) Act 2009</i> the Information Commissioner has the authority to make a 'declaration of vexatious applicant' if the Information Commissioner is satisfied the access action involves an abuse of process or would be manifestly unreasonable.</p> <p><u>Reviewable decisions and disclosure</u></p> <p>Under s.85 of the <i>Right to Information Act 2009</i>, a person affected by a reviewable decision may have that decision reviewed by the Information Commissioner. Reviewable decisions are defined in Schedule 6 and include decisions about:</p> <ul style="list-style-type: none"> • access applications that are outside the scope of the <i>Right to Information Act 2009</i> • refusal of access to a document • contents of application not meeting the requirements of the <i>Right to Information Act 2009</i> • refusal to deal with an access application • deferral of access • processing of access charges. <p>Under s.99 of the <i>Information Privacy Act 2009</i> a person affected by a reviewable decision may have that decision reviewed by the Information Commissioner. Reviewable decisions are defined in Schedule 5 and include decisions about:</p> <ul style="list-style-type: none"> • access or amendment applications that are outside the scope of the <i>Information Privacy Act 2009</i> • refusal to deal with an access or amendment application • contents of application not meeting the requirements of the <i>Information Privacy Act 2009</i> • refusal to deal with an access application • refusal to access or amend a document • deferral of access to a document • access to documents given in a format other than that applied for

Disposal authorisation	Record class and retention period	Justifying the retention period
		<ul style="list-style-type: none"> access to documents subject to the deletion of information in accordance with the Act. <p>Regulatory requirements: <i>Information Privacy Act 2009</i> – s.99, 107, 127–128, 131–133, 176 <i>Right to Information Act 2009</i> – s.85, 88, 90–92, 94–111, 114–115, 118–119, 121–122</p> <p>Business requirements: The retention period recommended for this class has been carried over from the previous version. The description, however, has been refined to allow for more accurate and consistent sentencing. The scope has also been broadened to encompass records previously covered by other classes. This is to ensure a complete history of significant cases is retained and to reduce the current complexity involved in applying multiple classes to the retention of records generated and managed as an external review of a single case or matter.</p> <p>A separate record class is necessary for significant external review applications to ensure enduring records are kept of precedent-setting, policy changing and/or challenging work. They provide insights into the administration of government information and documents about community rights to access and also privacy.</p> <p>Referrals on a question of law are only made to QCAT in extraordinary circumstances and may result in decisions that set a precedent for the Office of the Information Commissioner. Hence, a permanent retention period is warranted.</p> <p>A permanent retention for significant external review applications is suitable as these decisions may result in a change of legislation or policy across government. A recent example of a significant external review conducted under the RTI Act resulted in a decision that City North Infrastructure Pty Ltd (CNI) was not a public authority for the purposes of the <i>Right to Information Act 2009</i>. This example generated significant media coverage. It was referred to QCAT for a final determination. QCAT overturned the Information Commissioner’s decision and determined that CNI was not a public authority.</p> <p>Record class 1267 in the <i>General Retention and Disposal Schedule</i> is an equivalent class for agency records relating to applications that are the subject of external review by the Information Commissioner. This class has a retention period of seven years after last action. Permanent retention by the Office of the Information Commissioner of records relating to significant cases is necessary in order to provide an enduring record of the rights of individuals to access government information and information, and to have privacy protection. These review applications are government responses to the exercise of the rights.</p> <p>QSA permanent appraisal characteristics:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – Primary Functions & Programs of Government • 3 – Enduring Rights & Entitlements. <p>Community expectation:</p> <p>The <i>Right to Information Act 2009</i> seeks to facilitate a ‘free and democratic society’ by recognising that the community has a ‘right of access to information in the government’s possession or under the government’s control unless, on balance, it is contrary to the public interest to provide the information’. More specifically, the <i>Information Privacy Act 2009</i> seeks to provide individuals with a ‘right of access to, and amend, personal information about them in the government’s possession or under the government’s control unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended’.</p> <p>Together, these Acts reflect community expectations of access to government held or controlled information and the amendment of personal information. They indicate that the community expects requests for government information and personal information held by agencies and ministers, to be dealt with in an open and timely manner. This record class provides proof of government’s response to requests for access to information, including personal information and how it administers the community’s right of access to information, while balancing the need to protect some information due to its sensitivity. Consequently, it is reasonable to presume that the community expects government to retain records of significant right to information and information privacy external reviews as an enduring record of the exercise of their rights under the <i>Right to Information Privacy Act 2009</i> and the <i>Information Privacy Act 2009</i>.</p> <p>Comparison with other schedules' retention period:</p> <p><i>Territory Records (Records Disposal Schedule – Territory Administrative Records Disposal Schedules – Information Management Records) Approval NI2011-92</i> Reference 009.016.001 Records documenting requests for public access to records and documents under the <i>Freedom of Information Act 1989</i>, the <i>Territory Records Act 2002</i> and other legislation specific to the agency that set a precedent, lead to a change of policy, relate to issues of national significance, relate to issues of public controversy, result in appeals to the ACT Civil and Administrative Tribunal (ACAT) or the Federal or High Court – Retain as Territory archives.</p> <p><i>NAA Office of the Australian Information Commissioner 2012/00305243</i> Reference 62030 Records documenting appeals made against decisions relating to reviews and complaints investigations, which are controversial, have significant community or political sensitivity, or where precedents are set – Retain as National archives.</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p><i>State Records Authority of NSW Privacy NSW functional retention and disposal schedule DA163:</i></p> <ul style="list-style-type: none"> • reference 2.8.1 Records relating to cases, which have gone to the Administrative Decisions Tribunal for review – Required as State archives • reference 2.8.2 Records of applications for review, which have gone to the Administrative Decisions Tribunal and of meetings and hearings in the Tribunal at which the Privacy Commissioner is or may be represented without making any written submissions – Required as State archives • reference 2.8.3 Records relating to appeals from the Administrative Decisions Tribunal to the Tribunal's Appeals Panel or the Supreme Court where the Privacy Commissioner is actively involved – Required as State archives. <p><i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5 Reference 1.4.1</i> Records relating to the investigation of a complaint in relation to the right to access government and personal information and the right to correct personal information where the Information Commissioner accessed the complaint and the matter was not resolved by mediation or other agreement and proceeds to a hearing – Retain permanently.</p> <p><i>General Retention and Disposal Schedule Reference 1072</i> Enquiries, complaints and suggestions that are deemed significant – Retain permanently. Transfer to QSA after business action completed.</p> <p><i>Office of the Ombudsman Retention and Disposal Schedule QDAN553 v.2 Reference 1.1.1</i> Investigated complaints – Retain permanently.</p> <p><i>Health Complaints Management Retention and Disposal Schedule QDAN658 v.2 Reference 1.2.1</i> Investigated complaints – Retain permanently.</p> <p><i>Energy and Water Ombudsman Queensland Retention and Disposal Schedule QDAN700 v.1 Reference 1.2.2</i> Investigations resulting in an agreement-significant – Retain permanently.</p> <p>Previous schedule/s:</p> <p><i>QDAN376 v.3:</i></p> <ul style="list-style-type: none"> • reference 1.1.1 External review applications-significant – Permanent • reference 1.1.4 Declaration of vexatious applicants – Permanent • reference 1.4.1 Referral of a question of law – Permanent • reference 2.1.1 Applications-significant – Permanent • reference 2.1.4 Declaration of vexatious applicants – Permanent

Disposal authorisation	Record class and retention period	Justifying the retention period
1585	<p>External review applications – other</p> <p>Records relating to applications for external review of a Right to Information decision or an Information Privacy decision lodged with the Office of the Information Commissioner that are not covered by record class 1584.</p> <p>Includes records relating to applications for external review of a Right to Information decision that are refused or rejected by the Information Commissioner in accordance with s.94 of the <i>Right to Information Act 2009</i> or s.107 of the <i>Information Privacy Act 2009</i>.</p> <p>Excludes applications refused on the grounds that the applicant is subject to a 'declaration of vexatious applicant' under s.114 of the <i>Right to Information Act 2009</i> or s.127 of the <i>Information Privacy Act 2009</i>. Also excludes records subject to QCAT, judicial review or appeal to the Supreme Court.</p> <p>Retention period & trigger</p> <p>7 years after business action completed.</p>	<p>Background/business process:</p> <p>External review applications may be refused where the:</p> <ul style="list-style-type: none"> • applicant for external review fails to comply with a direction given by the Information Commissioner • applicant for external review has failed to cooperate in progressing the external review application without reasonable excuse • applicant is no longer contactable at the address stated in the application • application is for the review of a decision about the fee stated in a charges estimate notice. <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.99, 101, 103–124</p> <p><i>Right to Information Act 2009</i> – s.85, 86, 88, 90, 111</p> <p>Business requirements:</p> <p>Applications for external review that do not have any ongoing significance have a recommended retention period of '7 years after last action'. This retention period is suitable for determining trends and issues and to ensure the exhaustion of any review or appeal processes administered by third parties. Additionally, this period is suitable for covering the possibility of an extension of time allowed for appeal by QCAT as such extensions are only a matter of weeks or months rather than years.</p> <p>The minimum retention period has been reduced from 10 years to 7 years to bring it in line with similar record classes identified below 'Comparison with other schedules' retention period'. It also reflects the practical experiences of external review applications under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i>.</p> <p>Under s.88 of the <i>Right to Information Act 2009</i> and s.101 of the <i>Information Privacy Act 2009</i> an applicant has 20 business days from the date of the agency's or minister's 'decision' to apply to the Information Commissioner for an external review of that decision.</p> <p>Under s.33 of the <i>Queensland Civil and Administrative Tribunal Act 2009</i>, an applicant must register an appeal with QCAT within 28 days of being notified of the Information Commissioner's decision. In accordance with s.61 of the <i>Queensland Civil and Administrative Tribunal Act 2009</i>, QCAT may extend the time period allowed for the state of a proceeding with no time limit on the extension period allowed.</p> <p>Given that significant external review applications are retained permanently (record class 1584) along with decisions relating to all applications (record class 1600), the retention period for other external review applications is limited to the period during which appeal and review processes may be conducted (7 years).</p> <p>Comparison with other schedules' retention period:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p><i>Territory Records (Records Disposal Schedule – Territory Administrative Records Disposal Schedules – Information Management Records) Approval NI2011-92:</i></p> <ul style="list-style-type: none"> reference 009.016.002 Records documenting recurring or protracted requests received from the public for access to records and documents under the <i>Freedom of Information Act 1989</i>, the <i>Territory Records Act 2002</i> and other legislation specific to the agency – Destroy 10 years after completion of cases reference 009.016.003 Records documenting requests for public access to records and documents under the <i>Freedom of Information Act 1989</i>, the <i>Territory Records Act 2002</i> and other legislation specific to the agency where there has been an internal review, where complaints have been lodged with the Ombudsman, where there have been negotiations between and individual and the agency relating to the amendment of alteration of records – Destroy 5 years after action completed. <p><i>NAA Office of the Australian Information Commissioner 2012/00305243 Reference 61987</i> Records documenting reviews and investigations activities other than those covered in classes 62030, 61985 and 61986 – Destroy 3 years after action completed.</p> <p><i>State Records Authority of NSW Privacy NSW functional retention and disposal schedule DA163 Reference 2.8.4</i> Records of applications for internal review notified by public sector agencies and of advice given in relation to them where there is no subsequent application to the Administrative Decisions Tribunal – Retain a minimum of 8 years after action completed, then destroy.</p> <p><i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5 Reference 1.4.2</i> Records relating to the investigation of a complaint in relation to the right to access government and personal information and the right to correct personal information where the Information Commissioner accepts the complaint, and the matter is resolved by mediation or other agreement – Destroy 5 years after mediation finalised.</p> <p><i>General Retention and Disposal Schedule:</i></p> <ul style="list-style-type: none"> reference 1267 Right to information applications-subject to external review – Retain for 7 years after last action reference 1275 Privacy-other cases – Retain for 2 years after last action. <p><i>Health Complaints Management Retention and Disposal Schedule QDAN658 v.2 Reference 1.1.9</i> Complaints out of jurisdiction – Retain for 1 year after last action.</p> <p><i>Energy and Water Ombudsman Queensland Retention and Disposal Schedule QDAN700 v.1 Reference 1.2.2</i> Investigations resulting in an agreement-minor – Retain for 7 years after investigation is finalised.</p> <p>Previous schedules:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>QDAN376 v.3:</p> <ul style="list-style-type: none"> reference 1.1.2 External review applications-other – Retain for 10 years after last action reference 1.1.3 Applications-rejected – Retain for 1 year after last action reference 2.1.2 Applications-other – Retain for 10 years after last action reference 2.1.3 Applications-rejected – Retain for 1 year after last action.
1586	<p>Disciplinary action</p> <p>Records relating to notifications issued by the Information Commissioner that an agency's officer has committed a breach of duty in the administration of the Act under s.113 of the <i>Right to Information Act 2009</i> or s.126 of the <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger</p> <p>7 years after business action completed.</p>	<p>Background/business process:</p> <p>This class covers records relating to a notification by the Information Commissioner that an agency's officer has committed a breach of the duty or misconduct in the administration of the <i>Right to Information Act 2009</i> or the <i>Information Privacy Act 2009</i>. To date, the Information Commissioner has not issued a notification.</p> <p>The onus of responsibility for dealing with such breaches is with the relevant minister or CEO, not the Information Commissioner or the Office of the Information Commissioner.</p> <p>The relevant provisions in the <i>Right to Information Act 2009</i> or the <i>Information Privacy Act 2009</i> are not designed to be used where applicants have a personal grievance with the agency or a particular officer regarding a separate aspect of the agency's service provision.</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.126</p> <p><i>Right to Information Act 2009</i> – s.113</p> <p>Business requirements:</p> <p>This class and the retention period recommended have been carried over from the previous version of this retention and disposal schedule (QDAN376 v.3).</p> <p>The Office of the Information Commissioner advise that the recommended retention period allows sufficient time for any appeal process or legal action to be completed regarding an officer's breach of duty or misconduct in the administration of the <i>Right to Information Act 2009</i> or the <i>Information Privacy Act 2009</i>.</p> <p>Comparison with other schedules' retention period:</p> <p><i>General Retention and Disposal Schedule</i> – Reference 1231 Employee complaints – Retain for 7 years after last action.</p> <p>Previous schedules:</p> <p>QDAN376 v.3:</p> <ul style="list-style-type: none"> reference 1.1.6 Disciplinary action – Retain for 7 years after last action

Disposal authorisation	Record class and retention period	Justifying the retention period
		<ul style="list-style-type: none"> reference 2.1.5 Disciplinary action – Retain for 7 years after last action.
1587	<p>Access and amendment applications by Office of the Information Commissioner staff</p> <p>Records relating to applications to access or amend personal information made to the Information Commissioner by a staff member of the Office of the Information Commissioner in accordance with s.46 of the <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger</p> <p>80 years from date of birth or 7 years from date of separation, whichever is later.</p>	<p>Background/business process:</p> <p>This class covers records of applications to access or amend personal information under the <i>Information Privacy Act 2009</i> made to the Information Commissioner by staff of the Office of the Information Commissioner. While no applications have been received to date, should this change, then each application would be filed and maintained with the relevant staff member's personnel file.</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.46</p> <p>Business requirements:</p> <p>The retention period for this class identified in the previous version of this schedule (QDAN376 v.3) has been increased from '10 years after last action' to '80 years from date of birth or 7 years from date of separation, whichever is later'. The recommended retention period is sufficient for the purposes of the Office of the Information Commissioner to determine and monitor privacy applications made to the Information Commissioner by members of staff.</p> <p>The activity associated with each application would be very limited once a decision had been made and, where relevant, applied. Given there have not been any applications in the six years since the passage of the Act, it is also anticipated there would be very few records covered under this class. Thus, this class covers all applications (rejected, accepted and lapsed).</p> <p>Comparison with other schedules' retention period:</p> <p>There were no other schedules found with similar record classes.</p> <p>Previous schedules:</p> <p>QDAN376 v.3 Reference 2.1.6 Access and amendment applications – Retain for 10 years after last action.</p>
1588	<p>Financial hardship status</p> <p>Records relating to applications for declaration of financial hardship status received from a non-profit organisation in accordance with s.67 of the <i>Right to Information Act 2009</i>.</p> <p>Retention period & trigger</p>	<p>Background/business process:</p> <p>This class covers applications to the Information Commissioner from non-profit organisations to obtain financial hardship status.</p> <p>Any financial hardship status awarded by the Information Commissioner is valid for one year from the date of the decision. If, however, the circumstances of the organisation changes during the period of validity, then the organisation is obliged to notify the Information Commissioner of such changes. The Information Commissioner will then consider the revocation of the organisation's financial hardship status.</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
	1 year after expiry or revocation of financial hardship status.	<p>If the financial hardship status is not awarded to an organisation then the organisation cannot reapply for this status, unless there is a substantial deterioration in the financial circumstances of the organisation or more than a year has passed since the decision was made.</p> <p>Regulatory requirements: <i>Right to Information Act 2009 – s.67</i></p> <p>Business requirements: There is no change to the retention period for this class identified in the previous version of this schedule (QDAN376 v.3). Each application for financial hardship status is assessed on its own merits and only has effect for one year. Previous applications are not referred to during the assessment process as financial circumstances change with each application. As previous applications are not considered there is very little ongoing business value in retaining records beyond one year from the date a decision was made. Decisions include approve, decline or revoke. The recommended retention period of one year after the expiry or revocation of 'financial hardship status' is suitable as this allows the Office of the Information Commissioner to refer to these records during the period that the declaration is current and for the period of the next declaration, if one is made.</p> <p>Comparison with other schedules' retention period: There were no other schedules found with similar record classes.</p> <p>Previous schedules: <i>QDAN376 v.3 – Reference 1.1.5 Applications for financial hardship by non-profit organisations – Retain for 1 year after expiry or revocation of financial hardship status.</i></p>
1589	<p><i>Information in issue</i> Agency or ministerial documents subject to external review received by the Information Commissioner in the administration of the external review functions under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i>.</p>	<p>Background/business process: This is a new class of record in the revised version of QDAN376 to ensure the retention, custody and ownership issues associated with these records are explicit, clear and incorporated into the recordkeeping requirements of the Office of the Information Commissioner. Agencies and ministers send copies of documents subject to an external review to the Office of the Information Commissioner so decisions relating to access and amendment may be reviewed in full. At the completion of each review the documents are retained for six months to allow any follow-up action to be completed, including appeals. As required under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i> these records are returned to the originating agency or minister.</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
	<p>Retention period & trigger</p> <p>Return documents to agency or minister 6 months after the expiry of the appeal period for the external review to which they relate.</p>	<p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.120</p> <p><i>Right to Information Act 2009</i> – s.107</p> <p>Business requirements:</p> <p>Once the external review has been fully completed there is very limited business value in the Office of the Information Commissioner retaining these documents. As explained above, the documents must be returned to the originating or responsible agency or minister.</p> <p>Working copies of documents in issue made by the Office of the Information Commissioner are ephemeral documents and can be destroyed under the Transitory and Short Term Retention and Disposal Schedule (QDAN720 v.2). Working copies of documents are securely destroyed by shredding within 6 months of the completion of an external review application.</p> <p>Comparison with other schedules' retention period:</p> <p>There were no other schedules found with similar record classes.</p>

Function	Scope note
PRIVACY MEDIATION	<i>The function of administering and mediating privacy complaints received by the Information Commissioner in relation to breaches of the privacy principle in accordance with ss.164–166 of the Information Privacy Act 2009.</i>

Activities
<ul style="list-style-type: none">• Complaints

Explanatory note for the function title

The title for this function needs to distinguish it from complaints management, which covers complaints received about customer service or other matters that are not relevant to privacy. Including the word ‘mediation’ in the title readily distinguishes this function from ‘External Review’.

This function is a mediation process rather than a decision-making function such as ‘External Review’. Privacy complaints are concerned with how an individual’s personal information has been handled and, therefore, covers the Information Privacy Principles (IPPs). An individual’s complaint may reveal an issue is not isolated and could be, but not necessarily, systemic. External review is a decision-making process limited to the review of access decisions made by agencies or ministers under the *Information Privacy Act 2009* or *Right to Information Act 2009*.

Disposal authorisation	Record class and retention period	Justifying the retention period
1590	<p>Privacy complaints – significant</p> <p>Records relating to complaints about an agency's breach of the privacy principles lodged with the Office of the Information Commissioner, which generate significant interest and/or controversy and which may lead to a change in government policies, procedures and legislation. Includes privacy complaints not resolved through mediation and referred to the Queensland Civil and Administrative Tribunal by the Information Commissioner in accordance with s.174 of the <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Background/business process:</p> <p>In this new version of the schedule, three classes cover complaints about an agency's breach of the privacy principles lodged with the Office of the Information Commissioner. The classes have been split between those complaints, which generate a significant impact on the policies, procedures and legislation of the government (record class 1590) and those that do not have ongoing significance (record classes 1591 and 1592).</p> <p>This class covers records of privacy complaints received and accepted by the Information Commissioner for mediation. The process for administering each complaint received may include the following processes:</p> <ul style="list-style-type: none"> • preliminary enquiries • decision to accept the complaint • conduct of the mediation • completion of mediation through a certified agreement or informal agreement between the applicant and the agency or minister • referral to QCAT. <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.165, 171–173</p> <p>Business requirements:</p> <p>A separate record class is necessary for significant privacy complaints to ensure an enduring record of precedent-setting and policy changing or challenging decisions is kept. This provides insights into the administration of the rights of individuals to have their personal information (which is held or controlled by government) protected from inappropriate access and use by others.</p> <p>This class and the retention period recommended have been carried over from the previous version of this retention and disposal schedule (QDAN376 v.3). The description, however, has been refined to allow for more accurate and consistent sentencing and the scope has been broadened to encompass records previously covered by other classes. This is to ensure a complete history of significant cases is retained.</p> <p>A permanent retention for significant privacy complaints is suitable as these decisions may result in a change of legislation or policy across government or arouse public interest or controversy. This is consistent with the permanent retention recommended to external reviews (record class 1584) in this schedule.</p> <p>Permanent retention criteria:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – Primary Functions & Programs of Government • 3 – Enduring Rights and Entitlements. <p>Community expectation:</p> <p>The <i>Information Privacy Act 2009</i> reflects community expectations of the management, handling, use and disposal of government-held or controlled personal information. This Act indicates that the community expects government to protect and appropriately use personal information held by agencies and ministers.</p> <p>Comparison with other schedules' retention period:</p> <p><i>NAA Office of the Australian Information Commissioner 2012/00305243</i> Reference 62030 Records documenting appeals made against decisions relating to reviews and complaints investigations, which are controversial, have significant community or political sensitivity, or where precedents are set – Retain as National archives.</p> <p><i>State Records Authority of NSW Privacy NSW functional retention and disposal schedule DA163</i> Reference 2.3.1 Records of the receipt, investigation and response to or referral of complaints involving substantive privacy issues, including setting of precedents – Required as State archives.</p> <p><i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5</i> Reference 2.1.1 Records relating to the formal hearing of complaints in relation to the right to protection of privacy that were not resolved by investigation, mediation or other agreement – Retain permanently.</p> <p><i>General Retention and Disposal Schedule</i> Reference 1072 Privacy – precedent-setting cases – Retain permanently.</p> <p><i>Office of the Ombudsman Retention and Disposal Schedule QDAN553 v.2</i> Reference 1.1.1 Investigated complaints – Retain permanently.</p> <p><i>Health Complaints Management Retention and Disposal Schedule QDAN658 v.2</i> Reference 1.2.1 Investigated complaints – Retain permanently.</p> <p><i>Energy and Water Ombudsman Queensland Retention and Disposal Schedule QDAN700 v.1</i> Reference 1.2.2 Investigations resulting in an agreement-significant – Retain permanently.</p> <p>Previous schedules:</p> <p><i>QDAN376 v.3:</i></p> <ul style="list-style-type: none"> • reference 2.2.1 Privacy complaints—significant – Permanent • reference 2.5.1 Referral of a privacy complaint – Permanent.

Disposal authorisation	Record class and retention period	Justifying the retention period
1591	<p>Privacy complaints – other</p> <p>Records relating to complaints about an agency's breach of the privacy principles lodged with the Office of the Information Commissioner that are not covered by record class 1590.</p> <p>Retention period & trigger</p> <p>7 years after business action completed.</p>	<p>Background/business process:</p> <p>Three classes cover complaints about an agency's breach of the privacy principles lodged with the Office of the Information Commissioner. The classes have been split between those complaints, which generate a significant impact on the policies, procedures and legislation of the government (record class 1590), those that do not have ongoing significance, this record class (1591), and record class 1592, which covers complaints that the Information Commissioner has not accepted.</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.165, 171–173</p> <p>Business requirements:</p> <p>The minimum retention period has been reduced from 10 years to 7 years to bring it in line with similar record classes identified below under 'Comparison with other schedules' retention period'. It also reflects the practical experiences of complaints under the <i>Information Privacy Act 2009</i>.</p> <p>This class is consistent with the equivalent class for external reviews covered in the record class 1584 in this schedule.</p> <p>Comparison with other schedules' retention period:</p> <p><i>NAA Office of the Australian Information Commissioner 2012/00305243</i> Reference 61987 Records documenting reviews and investigations activities other than those covered in classes 62030, 61985 and 61986 – Destroy 3 years after action completed.</p> <p><i>State Records Authority of NSW Privacy NSW functional retention and disposal schedule DA163</i> Reference 2.3.2 Records relating to the receipt, investigation of, and response to, complaints involving routine investigation and little or no research – Retain a minimum of 6 years after action completed, then destroy.</p> <p><i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5</i> Reference 2.8.2 Records relating to the investigation of a complaint made after the finalisation of an enquiry made to a public sector organisation in relation to the organisation collecting or handling personal information in a manner that contravenes the Information Privacy Principles, a code of practice or an authorisation or after the finalisation of an enquiry made to a public sector organisation in relation to the organisation otherwise interfering with a person's privacy where the Information Commissioner accepts the complaint and the matter is resolved by mediation or other agreement – Destroy 5 years after mediation finalised.</p> <p><i>PROV retention and disposal authority for records of the Office of the Victorian Privacy Commissioner PROS 10/16</i> Reference 1.2.1 Records documenting the management and investigation of complaints in relation to potential breaches of information privacy – Destroy 7 years after complaint is finalised.</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>Previous schedules: QDAN376 v.3 Reference 2.2.2 Privacy complaints – other – Retain for 10 years after last action.</p>
1592	<p>Privacy complaints – declined Records relating to complaints which the Information Commissioner has declined to deal with in accordance with s.168 of the <i>Information Privacy Act 2009</i>. Includes complaints where:</p> <ul style="list-style-type: none"> the subject of the complaint does not relate to the personal information of the complainant requirements under s.166(3) of the <i>Information Privacy Act 2009</i> for making a complaint have not been satisfied the Information Commissioner reasonably believes the complaint is frivolous, misconceived or lacking in substance there is a more appropriate course of action available under another Act 12 months have elapsed since the complainant first became aware of the subject of the complaint. <p>Retention period & trigger 1 year after business action completed.</p>	<p>Background/business process: This class covers records relating to privacy complaints that are declined by the Information Commissioner. A complainant can appeal a decision of the Information Commissioner to the Supreme Court under the <i>Judicial Review Act 1991</i>.</p> <p>Regulatory requirements: <i>Information Privacy Act 2009</i> – s.165, 166, 168, 169</p> <p>Business requirements: Privacy complaints that do not have any ongoing significance and have been rejected or refused have a recommended retention period of ‘1 year after last action’. Basic details are captured and collated in the OIC’s reporting processes. Under s.168 of the <i>Information Privacy Act 2009</i>, the Information Commissioner may refuse to deal with, or deal further with an application if 12 months have elapsed since the complainant first became aware of the subject of the complaint.</p> <p>Comparison with other schedules' retention period: <i>Health Complaints Management Retention and Disposal Schedule QDAN658 v.2</i> Reference 1.1.6 Complaints declined – Retain for 3 years after last action. <i>Energy and Water Ombudsman Queensland Retention and Disposal Schedule QDAN700 v.1:</i></p> <ul style="list-style-type: none"> reference 1.1.1 No jurisdiction – Retain for 1 year after the enquiry is finalised reference 1.1.2 Referrals to another organisation – Retain for 1 year after the matter has been referred. <p>Previous schedules: QDAN376 v.3 Reference 2.2.3 Privacy complaints – declined – Retain for 1 year after last action.</p>

Function	Scope note
RIGHT TO INFORMATION AND INFORMATION PRIVACY EDUCATION AND AWARENESS	<p><i>The function of improving awareness and understanding of privacy principles and the interpretation and administration of the Right to Information Act 2009 and the Information Privacy Act 2009 in public authorities.</i></p> <p><i>Includes organising education and training programs and issuing guidelines.</i></p>

Activities
<ul style="list-style-type: none"> Guidance and training

Disposal authorisation	Record class and retention period	Justifying the retention period
1593	<p>Annotated legislation – master set</p> <p>Master set of annotated legislation.</p> <p>Retention period & trigger</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Background/business process:</p> <p>To assist with consistent and accurate interpretation and application of statutory requirements, the Office of the Information Commissioner annotates the current version of the <i>Right to Information Act 2009</i>, the <i>Information Privacy Act 2009</i> and former <i>Freedom of Information Act 1992</i> with explanatory notes relevant to applying the legislation. These notes are not legal opinions but are designed to make the Acts easier to understand by staff and others. Copies of annotated legislation are published on the OIC website and intranet.</p> <p>The reprints used for the Office of the Information Commissioner’s annotated version of these Acts are sourced from, and used with the permission of, the Office of the Queensland Parliamentary Counsel. The annotated legislation is updated from time to time to incorporate significant amendments. Key published decisions of the Information Commissioner and relevant decisions from other jurisdictions are summarised and referenced against the relevant sections of the annotated version of the Acts. While the annotated legislation is published on both the Office of the Information Commissioner website and intranet, the version on the intranet has additional references and resources available only to Office of the Information Commissioner staff.</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.135</p> <p><i>Right to Information Act 2009</i> – s.128</p> <p>Business requirements:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>The annotated legislation is a key and critical resource used by the Office of the Information Commissioner and others in administering the decision-making and support functions required under these Acts. It explicitly links the statutory requirements to decisions and other outcomes.</p> <p>The retention requirements for this class should be considered with reference to the decisions covered under record class 1600 and privacy case notes covered under record class 1595 because together they provide evidence of how individuals and groups exercise their democratic rights, participate in the affairs of the state and Information Commissioner's response to matters relating to these rights.</p> <p>Permanent retention criteria:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – Primary Functions & Programs of Government • 3 – Enduring Rights and Entitlements. <p>Community expectation:</p> <p>The <i>Right to Information Act 2009</i> seeks to facilitate a 'free and democratic society' by recognising that the community has a 'right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to provide the information'. More specifically, the <i>Information Privacy Act 2009</i> seeks to provide individuals with a 'right of access to, and amend, personal information about them in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended'. The <i>Information Privacy Act 2009</i> also reflects community expectations of the management, handling, use and disposal of government held or controlled personal information. Together, these Acts reflect community expectations of the management, disclosure and use government held or controlled information, and in the case of privacy, expectations about amendment of personal information. This record class provides the broader community with evidence of the interpretation and application of rights and administrative processes under these Acts.</p> <p>Comparison with other schedules' retention period:</p> <p><i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5</i> Reference 1.9.1 Master set of training material developed to educate public sector employees in relation to the rights of individuals to access government and personal information and the right to correct personal information – Retain permanently.</p> <p><i>PROV retention and disposal authority for records of the Office of the Victorian Privacy Commissioner PROS 10/16</i> Reference 1.5.3 Guidance materials produced and published for the public sector and the general public – Permanent.</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
1594	<p>Case notes Published case notes of privacy complaints conducted in accordance with the <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger Permanent. Transfer to QSA after business action completed.</p>	<p>Background/business process: This is a new class for this activity. This class covers the privacy case notes developed from privacy complaints and published on the Office of the Information Commissioner website. Case notes are developed for guidance purposes but are not prepared for all privacy complaints received by the Office of the Information Commissioner. These case notes identify the relevant privacy principle(s) and provide a summary of the complaint, the alleged breach of the privacy principle(s) and the outcome. Case notes may also include references to other sections of the <i>Information Privacy Act 2009</i> and summaries of the jurisdiction of the complaint, the mediation process and the application of specific sections of the <i>Information Privacy Act 2009</i> to the complaint. Case notes may cover declined complaints. Case notes are prepared after the closure of a privacy complaint. These case notes are published on the Office of the Information Commissioner website primarily for educational purposes.</p> <p>Business requirements: Privacy case notes are referred to internally by staff of the Office of the Information Commissioner and externally by the public, privacy officers and legal practitioners. They are primarily used for educational and reference purposes when dealing with privacy complaints. There is no statutory obligation for the Office of the Information Commissioner to prepare and publish case notes on privacy complaints. However, publishing case notes does contribute to the Office of the Information Commissioner's performance of support functions relating to education and awareness under s.128 of the <i>Right to Information Act 2009</i> and s. 135 of the <i>Information Privacy Act 2009</i>.</p> <p>Permanent retention criteria: These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – Primary Functions & Programs of Government • 3 – Enduring Rights & Entitlements. <p>Community expectation: As for class 1593.</p> <p>Comparison with other schedules' retention period: <i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5</i> Reference 1.9.1 Master set of training material developed to educate public sector employees in relation to the</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>rights of individuals to access government and personal information and the right to correct personal information – Retain permanently.</p> <p><i>PROV retention and disposal authority for records of the Office of the Victorian Privacy Commissioner PROS 10/16</i> Reference 1.5.3 Guidance materials produced and published for the public sector and the general public – Permanent.</p>
1595	<p><i>Training material, information and guidelines</i></p> <p>Training material, general guidance and information prepared for the agencies, ministers and the community on right to information and information privacy matters.</p> <p>Retention period & trigger</p> <p>7 years after business action completed.</p>	<p>Background/business process:</p> <p>This class covers information, guidance and training provided to public authorities and the public on right to information and information privacy matters. Under both the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i>, the Information Commissioner is responsible for raising awareness and providing guidance and training to public authorities and the public on the right to information and information privacy matters. Information, guidance and training do not constitute legal advice.</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.135, 138</p> <p><i>Right to Information Act 2009</i> – s.128, 132</p> <p>Business requirements:</p> <p>The recommended retention periods allow sufficient time for new material to be developed and referred to during the review process.</p> <p>The retention period for the class comprised of two classes from the previous version of QDAN376 has adopted the longer of the two associated retention periods, as this is suitable for the nature of the business requirements and reference to these records.</p> <p>Comparison with other schedules' retention period:</p> <p><i>NAA Office of the Australian Information Commissioner 2012/00305243</i> Reference 61064 Records documenting awareness and education activities other than those covered in class 61062 and 61063 – Destroy 7 years after action completed.</p> <p><i>State Records Authority of NSW Privacy NSW functional retention and disposal schedule DA163</i> Reference 2.5.2 Records relating to the development of training materials and delivery of training courses by Privacy NSW staff – Retain a minimum of 8 years after action completed, then destroy.</p> <p><i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5:</i></p> <ul style="list-style-type: none"> reference 1.9.2 Records relating to the presentation of training material to public sector organisations in relation to the right to access government and personal information and the right to correct personal information – Destroy 5 years after action completed

Disposal authorisation	Record class and retention period	Justifying the retention period
		<ul style="list-style-type: none"> reference 2.13.2 Records relating to the presentation of training material to public sector organisations in relation to protection of privacy – Destroy 5 years after action completed. <p><i>PROV retention and disposal authority for records of the Office of the Victorian Privacy Commissioner PROS 10/16</i> Reference 3.1.1 Records documenting the development of the content of training programs – Destroy 7 years after training program is discontinued or superseded.</p> <p><i>General Retention and Disposal Schedule</i> Reference 1261 Training provision – Retain for 5 years after last action.</p> <p><i>Office of the Ombudsman Retention and Disposal Schedule QDAN553 v.2</i> Reference 1.3.1 Master copies of capacity development material – Retain for 10 years after last action.</p> <p><i>Health Complaints Management Retention and Disposal Schedule QDAN658 v.2</i> Reference 3.1.1 Master copies of capacity development material – Retain for 10 years after last action.</p> <p>Previous schedules:</p> <p><i>QDAN376 v.3:</i></p> <ul style="list-style-type: none"> reference 3.1.1 Right to Information and Privacy matters – Retain for 7 years after last action reference 3.2.1 Education and training materials – Retain for 5 years after last action.

Function	Scope note
RIGHT TO INFORMATION AND INFORMATION PRIVACY COMPLIANCE MANAGEMENT	<i>The function of monitoring and addressing compliance of agencies with the Right to Information Act 2009 and the Information Privacy Act 2009.</i>

Activities
<ul style="list-style-type: none"> • Extensions • Monitoring • Statutory Approvals – Waivers

Disposal authorisation	Record class and retention period	Justifying the retention period
1596	<p>Applications for extensions Records relating to applications for an extension of the 10-year period of non-disclosure of information lodged in accordance with the <i>Right to Information Act 2009</i>.</p> <p>Retention period & trigger Permanent. Transfer to QSA after business action completed.</p>	<p>Background/business process: This class relates to applications for an extension of the 10-year period of non-disclosure of information lodged with the Information Commissioner in accordance with s.129 (a) of the <i>Right to Information Act 2009</i>. A right to information application does not have to be made for an extension to be requested. There are no equivalent provisions in the <i>Information Privacy Act 2009</i>. Since the commencement of the Act in 2009, the Information Commissioner has not received any applications for extension and has, therefore, not yet applied s.129 (a) of the Act. Extensions covered in this class do not relate to the 10-year non-disclosure period for exempt information identified in Schedule 3 of the Act. Exempt information includes cabinet information, information to brief an incoming minister and information of the Brisbane City Council Establishment and Coordination Committee. Certain categories of exempt information automatically have a non-disclosure period of 10 years and do not require the application of a public interest test.</p> <p>Regulatory requirements: <i>Right to Information Act 2009</i> – s.37, 49</p> <p>Business requirements: There is no change to the retention period for this class identified in the previous version of this schedule (QDAN376 v.3). A permanent retention period is recommended for both successful and unsuccessful applications as evidence of:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<ul style="list-style-type: none"> the deliberations and actions of the government in requesting an increase in the period of non-disclosure of information the decision of the Information Commissioner in granting or refusing an application. <p>The granting of an extension to a disclosure period would only occur in unusual circumstances as an increase would contradict the principles of open government that the <i>Right to Information Act 2009</i> espouses and remove the rights and entitlements of the public to access and/or amend personal information.</p> <p>The records in this class relate to the application of the public interest test to documents not covered under Schedule 3 but where the Information Commissioner has been requested to approve a non-disclosure period of 10 years to those documents.</p> <p>Permanent retention criteria:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> 2 – Primary Functions & Programs of Government 3 – Enduring Rights & Entitlements. <p>Community expectation:</p> <p>The <i>Right to Information Act 2009</i> seeks to facilitate a 'free and democratic society' by recognising that the community has a 'right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to provide the information'. This Act reflects community expectations of the management, disclosure and use of government held or controlled information. This record class provides evidence of the interpretation and application of rights and administrative processes under this Act</p> <p>Comparison with other schedules' retention period:</p> <p>There were no other schedules found with similar record classes.</p> <p>Previous schedules:</p> <p>QDAN376 v.3 Reference 1.2.1 Applications for extensions – Permanent</p>
1597	<p>Compliance notices</p> <p>Records relating to compliance notices issued to an agency by the Information Commissioner on the grounds that an agency has not complied with the</p>	<p>Background/business process:</p> <p>This class covers compliance notices issued to an agency by the Information Commissioner on the grounds that an agency has not complied with the privacy principles.</p> <p>No compliance notices have been issued since the commencement of the <i>Information Privacy Act 2009</i>. For a breach to be serious, several factors are considered by the Office of the Information Commissioner including the:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
	<p>privacy principles in accordance with s.158–163 of the <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<ul style="list-style-type: none"> • type of personal information involved in the breach – the more sensitive the information, the more likely it is to be a serious breach • negative harm or outcome of the breach • amount of personal information involved in the breach.¹ <p>For a breach to be flagrant, it must be obvious and blatant. An accidental breach or a misunderstanding would not be regarded as a flagrant breach.²</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.158, 159, 161–163</p> <p>Business requirements:</p> <p>The retention period for this class has not changed from the previous version of QDAN376. To date, there have been no compliance notices issued in Queensland.</p> <p>Agency records of investigations into alleged privacy breaches, including unauthorised disposal of records containing personal information are covered under record class 1267 of the <i>General Retention and Disposal Schedule</i> and have a retention period of seven years after last action.</p> <p>As compliance notices would only be issued by the Office of the Information Commissioner in extreme circumstances a permanent retention period is warranted to demonstrate the actions and decisions of the Office of the Information Commissioner in taking such an extreme measure.</p> <p>Even though the retention period is not the same as the Northern Territory and Victoria, these notices would only be issued if the agency was beyond reproach and failed to comply with the legislation. The process is designed to be a measure of last resort when all other avenues have been exhausted.</p> <p>Permanent retention criteria:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – Primary Functions & Programs of Government • 3 – Enduring Rights & Entitlements. <p>Community expectation:</p> <p>The <i>Information Privacy Act 2009</i> also reflects community expectations of the management, handling, use and disposal of government-held or controlled personal information. Accountability and</p>

¹ Office of the Information Commissioner Privacy Guideline Section 8 – Compliance notices

² Office of the Information Commissioner Privacy Guideline Section 8 – Compliance notices

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>evidence of the circumstances and response to breaches of the statutory privacy obligations is provided through this record class.</p> <p>Comparison with other schedules' retention period:</p> <p><i>NT Disposal Schedule for records of the Office of the Information Commissioner 2003/5</i> Reference 2.5.1 Records relating to the serving of a compliance notice to a public sector organisation that has contravened Information Privacy Principles of the Information Act or a code of practice – Destroy 5 years after public sector organisation complies to notice served.</p> <p><i>PROV retention and disposal authority for records of the Office of the Victorian Privacy Commissioner PROS 10/16</i> Reference 1.3.1 Records documenting the management of compliance notices served on organisations subject to the <i>Information Privacy Act 2000</i> – Destroy 7 years after notice expires.</p> <p>Previous schedules:</p> <p>QDAN376 v.3 Reference 2.3.1 Compliance notices – Permanent.</p>
1598	<p>Assessments</p> <p>Records relating to monitoring of agencies to assess their compliance with the <i>Right to Information Act 2009</i> or the <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger</p> <p>7 years after business action completed.</p>	<p>Background/business process:</p> <p>This class covers a range of data collection and methods applied to assess the extent to which agencies and ministers comply with the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i>. Assessments may result in the production of reports on compliance within the sector at various levels of aggregation – individual agencies, groups or the whole sector.</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.135 <i>Right to Information Act 2009</i> – s.131</p> <p>Business requirements:</p> <p>The retention period for this class, comprised of two classes, has not changed from the previous version of QDAN376.</p> <p>The recommended retention period of '7 years after business action completed' allows sufficient time for the Office of the Information Commissioner to report on and monitor improvements in agencies' compliance with the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i>. The recommended retention period also allows records to be retained for any auditing requirements. Working papers and spreadsheets associated with assessments are covered by the <i>General Retention and Disposal Schedule</i> under record class 1272. The statutory reports that may be prepared following assessments are covered in record class 1599 have been recommended for permanent retention.</p> <p>Comparison with other schedules' retention period:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p><i>NAA Office of the Australian Information Commissioner 2012/00305243</i> Reference 61981 Records documenting monitoring agencies' compliance with the compilation of personal information digests – Destroy 3 years after action completed.</p> <p><i>Health Complaints Management Retention and Disposal Schedule QDAN658 v.2</i> Reference 2.1.1 Data collection and reporting – Retain for 10 years after last action.</p> <p>Previous schedules:</p> <p><i>QDAN376 v.3:</i></p> <ul style="list-style-type: none"> • reference 1.3.1 Monitoring – Retain for 7 years after last action • reference 2.4.1 Monitoring – Retain for 7 years after last action.
1599	<p>Waivers</p> <p>Records relating to approvals given to an agency to waive or modify their obligation to comply with the privacy principles in accordance with s.157 of the <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Background/business process:</p> <p>This class covers approvals given to an agency to waive or modify their obligation to comply with the privacy principles. A waiver can be given for a specific period of time or until revoked or amended. A waiver is only granted if the Information Commissioner is satisfied the public interest in non-compliance is stronger than the public interest in compliance.</p> <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009 – s.157</i></p> <p>Business requirements:</p> <p>The retention period for this class has not changed from the previous version of QDAN376. The issuing of a public interest approval would be a rare occurrence issued only in exceptional circumstances. These records warrant a permanent retention period to document the Office of the Information Commissioner's actions in reaching a decision that an agency can operate outside the information privacy legislative boundaries and the reasons behind that decisions.</p> <p>Permanent retention criteria:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – Primary Functions & Programs of Government • 3 – Enduring Rights & Entitlements. <p>Community expectation:</p> <p>The <i>Information Privacy Act 2009</i> seeks to provide individuals with a 'right of access to, and amend, personal information about them in the government's possession or under the government's control</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended’.</p> <p>The <i>Information Privacy Act 2009</i> also reflects community expectations of the management, handling, use and disposal of government-held or controlled personal information. The Act, however, also recognises that there may be instances where the privacy principles cannot or should not be fully applied. Accountability and evidence of why and how statutory privacy obligations have been waived or modified is provided through this record class.</p> <p>Comparison with other schedules' retention period:</p> <p>There were no other schedules found with similar record classes.</p> <p>Previous schedules:</p> <p>QDAN376 v.3 Reference 2.4.3 Waivers – Permanent.</p>
1600	<p><i>Decisions and approvals</i></p> <p>Published decisions and approvals of the Information Commissioner made in accordance with <i>Right to Information Act 2009</i> or <i>Information Privacy Act 2009</i>.</p> <p>Retention period & trigger</p> <p>Permanent. Transfer to QSA after business action completed.</p>	<p>Background/business process:</p> <p>As required under the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i>, decisions of external reviews are published. This requirement is fulfilled by publishing decisions on the Office of the Information Commissioner website.</p> <p>This class also covers other decisions and approvals made by the Information Commissioner in accordance with the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i>. Although the Information Commissioner is not obliged to do so, in support of open government and accountability, most statutory decisions made by the Office of the Information Commissioner are voluntarily published. There is no statutory requirement for publishing all decisions.</p> <p>Published decisions and approvals under this class include:</p> <ul style="list-style-type: none"> • approved financial hardship applications • compliance notices • declarations of vexatious applicants • external review applications • privacy waivers. <p>Regulatory requirements:</p> <p><i>Information Privacy Act 2009</i> – s.123, 127</p> <p><i>Right to Information Act 2009</i> – s.100, 114</p> <p>Business requirements:</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>While there may be some duplication with other classes such as class 1.1.1 'External review – significant' it would be very limited as significant decisions are very rare. Retaining the master set of published decisions ensures the permanent retention of records that are also currently available online through AustLII. In the future, however, this arrangement, may be changed.</p> <p>Decisions are also referred to by many external to the Office of the Information Commissioner, including the public, privacy officers and legal practitioners.</p> <p>Permanent retention criteria:</p> <p>These records provide evidence of the following characteristics from the Queensland State Archives Appraisal Statement and should be retained as archival records for future research:</p> <ul style="list-style-type: none"> • 2 – Primary Functions & Programs of Government • 3 – Enduring Rights & Entitlements. <p>Community expectation:</p> <p>The <i>Right to Information Act 2009</i> seeks to facilitate a 'free and democratic society' by recognising that the community has a 'right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to provide the information'. More specifically, the <i>Information Privacy Act 2009</i> seeks to provide individuals with a 'right of access to, and amend, personal information about them in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended'.</p> <p>Together, these Acts reflect community expectations of access to government held or controlled information and the amendment of personal information. They indicate that the community expects requests for government information and personal information held by agencies and ministers, to be dealt with in an open and timely manner. This record class provides proof of government's response to requests for access to information, including personal information and how it administers the community's right of access to information, while balancing the need to protect some information due to its sensitivity.</p> <p>Consequently, it is reasonable to presume that the community expects government to retain records of significant right to information and information privacy external reviews as an enduring record of the application of rights under the <i>Right to Information Privacy Act 2009</i> and the <i>Information Privacy Act 2009</i>.</p> <p>Comparison with other schedules' retention period:</p> <p>NAA Office of the Australian Information Commissioner 2012/00305243 Reference 62030 Commissioner's determinations, including enforceable determinations and Commissioner's review decision, delivered as a result of the agency's conduct of merit reviews such as those of FOI</p>

Disposal authorisation	Record class and retention period	Justifying the retention period
		<p>decisions made by Australian Government agencies and ministers, and merit reviews of agencies' privacy plans – Retain as National archives.</p> <p><i>State Records Authority of NSW Privacy NSW functional retention and disposal schedule DA163</i></p> <p>Reference 2.8.1 Records relating to cases which have gone to the Administrative Decisions Tribunal for review – Required as State archives.</p> <p><i>PROV retention and disposal authority for records of the Office of the Victorian Privacy Commissioner PROS 10/16</i></p> <p>Reference 1.5.3 Guidance materials produced and published for the public sector and the general public – Permanent.</p>