



Office of the Information Commissioner

What we do

Information Act

The Office of the Information Commissioner has two broad roles in relation to information held by NT public sector organisations. We:

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

Functions

- **Awareness**
- **General Inquiries**
- **Complaints**
- **Policy Assistance/Input**
- **Investigations and Applications**
- **Improving our service**
- **Managing the office**

Awareness

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

We promote FOI and Privacy by activities like:

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

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

General Inquiries

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

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

Complaints

We can receive complaints from:

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

We work to assist government organisations to develop internal structures to resolve FOI and Privacy issues before they reach the stage of a formal complaint to the Commissioner.

We also work with potential complainants, and with organisations, to encourage and assist them to resolve particular issues in a timely and informal manner, without the need for a formal complaint.

Office of the Information Commissioner - What we do

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

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

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

Policy Assistance/Input

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

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

There are two cases where an organisation must seek input from us:

- A **Code of Practice** can be established to vary or supplement the Information Privacy Principles for a particular organisation. However, a draft Code must be recommended by the Commissioner before it can be submitted for approval to the Minister.

- The NT Archives Service prepares **Records Management Standards** to guide records management by public sector organisations. We must be consulted to ensure consistency with the objects of the Act.

Investigations and applications

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

In relation to Privacy, the Commissioner can:

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

Improving our service

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

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

Managing the Office

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