



Ombudsman
Tasmania

OMBUDSMAN TASMANIA

**Investigation into the release of personal information
in error by public authorities implementing decisions
on assessed disclosure applications under the *Right
to Information Act 2009***

March 2026

Contents

Overview	3
Background.....	5
The Investigation.....	7
Jurisdiction	7
Methodology	8
Analysis.....	10
Conclusion	19
Recommendations	21
<i>Annexure 1 - public authorities investigated.....</i>	<i>22</i>

Overview

- 1 The former Ombudsman, Mr Richard Connock, commenced this own motion investigation pursuant to s13 of *the Ombudsman Act 1978* (the Ombudsman Act) after becoming aware of multiple incidents of public authorities releasing personal information in error when responding to requests for information under the *Right to Information Act 2009* (the RTI Act). The two most significant incidents related to the City of Hobart municipal council and the Department for Education, Children and Young People (DECYP). These incidents involved the release of names, home addresses, telephone numbers and other personal information about private citizens, including children in State care due to sexual abuse concerns.
- 2 The investigation was established to determine whether there were widespread or systemic issues around the erroneous release of personal information when implementing right to information (RTI) decisions. There are legislated protections regarding personal information in the *Personal Information Protection Act 2004* (PIP Act) but these can be eroded if there are insufficient safeguards in place as part of the administrative processes of public authorities handling personal information.
- 3 The investigation sought information from all Tasmanian public authorities who are fully subject to the RTI Act about their guidance for their staff, aimed at ensuring personal information was not released in error while processing RTI requests. The information we received showed that only very few public authorities (the Department of Natural Resources and Environment and the four public authorities which share its RTI services) had any written guidance requiring quality assurance prior to the release of relevant information.
- 4 Information was also sought from public authorities regarding the known instances of personal information being released in error in the last three years. While the use of this figure has limitations as unintentional releases of information are often undetected, this showed 8% of public authorities who responded to our questions were aware of such incidents.
- 5 A more targeted review was undertaken of four public authorities. These were the City of Hobart and DECYP, due to the known incidents at these agencies, and the Departments of Health and Police, Fire and Emergency Management, due to high volume of information requests received by them and the significant amount of personal information held by these public authorities. The more targeted review involved an audit of ten randomly selected files from each public authority. Of the files randomly selected for audit at the Department of Health and the Department of Police, Fire and Emergency Management, 30% had released personal information in error. Of the files audited relating to the City of Hobart and DECYP, this rose to 40%. None of these errors on the audited files had previously been detected by the public authorities.
- 6 Additional review was also undertaken of the City of Hobart and DECYP. This review showed delays and a lack of clear, documented procedures regarding how to respond to a personal information disclosure incident during an RTI application.
- 7 Issues in relation to ineffective methods of redaction and naming conventions were also highlighted in incidents relating to the City of Hobart and the Department of Justice, in which a black marker pen was used by the City of Hobart for redactions, and in which the Department of Justice released a file which did not contain finalised redactions despite being named *Final redacted*.

- 8 The results of the investigation showed that the release of personal information in error during RTI applications was not an isolated issue but an uncontrolled risk which was happening with some frequency. While I did not find any evidence that the release of personal information was anything other than inadvertent, the failure to institute rigorous processes to reduce error rates is leading to poor outcomes in many public authorities.
- 9 The public rightly expects the *Personal Information Protection Principles* in the PIP Act to be upheld and for their personal information to be appropriately safeguarded. For this to occur, these principles must be reflected in practical guidance to staff and embedded into administrative processes.
- 10 To address these issues, I make the following recommendations:

Recommendations

1. All public authorities should document and implement procedures which mandate additional checking of the information intended to be released under the *Right to Information Act 2009* when this contains personal information assessed as being exempt under s36 of that Act.
2. All public authorities should develop a written guidance document to inform their staff as to how to respond to the inadvertent release of personal information identified as exempt under s36 of the *Right to Information Act 2009*. This should contain an expectation that, if practicable, the affected individuals be notified of the breach and the type of information released, and be informed of their rights under the *Personal Information Protection Act 2004* to complain about the release of their personal information.
3. All public authorities should undertake an audit of their past 30 decisions or those made within the last 12 months under the *Right to Information Act 2009* (whichever is fewer) in which information was found to be exempt under s36. This audit should ascertain if any personal information has been released in error and if process changes are needed to reduce commonly occurring errors. Appropriate steps should be taken to rectify any breaches of the *Personal Information Protection Act 2004* if these are identified in the audit.
4. Any public authorities which regularly deal with information relating to children and victim-survivors of sexual abuse, specifically but not limited to the Department for Education, Children and Young People, should conduct an additional review of the appropriateness of their information disclosure practices. This review should focus on whether these practices limit harm and do not cause additional trauma, in recognition of the sensitivity of the personal information of which they are the custodians.
5. All public authorities should review their redaction methods and naming conventions regarding documents to be released under the *Right to Information Act 2009* to ensure that these are effective and that personal information is not inadvertently released.

Background

- 11 The 89 public authorities fully subject to the RTI Act hold significant quantities of personal information about members of the public due to their interactions with government at all stages of their lives. These public authorities consist of 8 government departments, 29 municipal councils and 52 statutory authorities/other entities such as the University of Tasmania, Aurora Energy and TasWater.
- 12 Personal information is often assessed by public authorities during applications for assessed disclosure under the RTI Act to decide whether it ought to be released. In the 2023-24 financial year, 1,147 of the decisions made on the 2,012 assessed disclosure applications received by public authorities found some information to be exempt under the personal information exemption in s36 of the RTI Act.¹ This equates to 57% of all decisions.
- 13 Some prior instances of personal information being released in error by public authorities implementing such decisions had brought this issue to the attention of the previous Ombudsman, Mr Richard Connock. But two significant breaches in June 2024 led to the commencement of this own motion investigation under the Ombudsman Act into whether the inadvertent release of personal information by public authorities when implementing decisions under the RTI Act was a systemic or widespread issue.

Incident one - City of Hobart

- 14 On 3 June 2024, the City of Hobart issued a decision on an application for information under the RTI Act and provided information to the applicant, B. B reviewed the information and notified Ombudsman Tasmania on 4 June 2024 that it contained unredacted personal information relating to an acquaintance of theirs, which appeared to have been released in error.
- 15 Ombudsman Tasmania reviewed the relevant information and found that the personal information of ten separate members of the public appeared to have been released in error, despite the City of Hobart decision setting out that it would redact “the personal information of private citizens”. This included full and partial names, home addresses, email addresses and telephone numbers.
- 16 A black marker pen had been used to redact information, which was not effective in a number of instances with information only partially removed or visible through the marker pen.
- 17 My office wrote to the City of Hobart on 4 June 2024 to raise concerns regarding the release of personal information and the ineffective method of redaction, seeking a prompt response. No response was received, so a further request for a response was sent on 25 June 2024. A response was provided on 28 June 2024.
- 18 The City of Hobart acknowledged that issues of concern had been raised, but did not advise us whether it agreed personal information had been released in error. It proposed a meeting between my office and its Manager Legal and Corporate Governance to discuss the issue. It did commit to ceasing the practice of using a marker pen for redaction of information, indicating that it would use electronic software in future.

¹ Right to Information Annual Report on the administration of the *Right to Information Act 2009* for the period 1 July 2023 – 30 June 2024, Department of Justice, available at www.justice.tas.gov.au/about-us/access-to-information.

- 19 Ms Leah Dorgelo, Principal Officer – Right to Information at Ombudsman Tasmania, met with the City of Hobart’s Manager Legal and Corporate Governance, Mr Wes Young, on 2 July 2024. Mr Young acknowledged that some personal information had been released in error, indicating that other information was consciously released. However, the council officer indicated that he did not intend to reissue the information with the personal information of private citizens removed and advised that no contact had been made with any impacted individual.
- 20 A further response from the City of Hobart on 10 July 2024 indicated that the council “continues to work through a significant number of legacy issues for record management and right to information processing”. It further set out that “several inadvertent oversights occurred” in relation to this incident and that these “were the product of staffing issues that [it was] working hard to resolve”.
- 21 Council advised us that it had received a complaint from the acquaintance of the applicant but this was not made formally under the PIP Act. It did not contact any individual regarding the privacy breach or re-issue the information to the original applicant in a version which removed the relevant personal information.

Incident two - Department for Education, Children and Young People

- 22 On 6 June 2024, the previous Ombudsman issued an external review decision under the RTI Act in the matter of *V and Department for Education, Children and Young People* (DECYP). That decision determined some additional information was not exempt and should be released, which had been originally found to be exempt under s36 of the RTI Act. A significant amount of information was affirmed as exempt under s36, because the relevant information related to work of Child Safety Services and revealed the identities of multiple children who were in State care.
- 23 On 21 June 2024, DECYP released additional information to V, the applicant, in compliance with the Ombudsman’s external review decision. A copy of the information released was also provided to Ombudsman Tasmania and one of my officers immediately identified that additional information had been released in error. DECYP was contacted by my office on the same day the information was released to raise these concerns and seek a formal response. The information consisted of the names of children in DECYP’s care due to sexual abuse concerns and the names of their family members.
- 24 On 24 June 2024, a Senior Information and Right to Information Officer at DECYP acknowledged the apparent error and indicated informally that DECYP would “rectify it by releasing a fresh copy [of the relevant information] to the applicant and requesting the old version be destroyed and that DECYP would also contact the parties involved”.
- 25 A formal response had been sought from DECYP by 8 July 2024 but none was received. Ms Dorgelo wrote to DECYP on 12 July 2024 to again seek a response to the incident. No response was received. The former Ombudsman wrote to DECYP on 24 July 2024 seeking a response by 2 August 2024, but again no response was received. A short response was eventually provided on 26 August 2024.
- 26 DECYP’s Deputy Secretary, Business Operations and Support, Mr Kane Salter, acknowledged that the information was released in error and indicated that the relevant “business unit will review their processes to ensure the issue does not re-occur”. DECYP indicated that V, the applicant, had been contacted and had confirmed that they had deleted the relevant information and it had been re-released to them without the exempt

personal information. The relevant information was already known to V, a former Child Safety Officer, as the assessed disclosure request had encompassed information they had compiled in this role.

- 27 DECYP had not contacted the affected young people but indicated that it intended to do so and that it would advise them of their ability to contact the Ombudsman with further concerns.
- 28 On 28 February 2025, DECYP advised us that it was making internal enquiries as to a trauma informed approach to contacting the affected young people but had not yet informed them of the release of their personal information. It later advised that notifications had been sent to the relevant young people on 28 February 2025, but no response was received to this communication.

The Investigation

Jurisdiction

- 29 I can initiate an investigation of my own motion pursuant to s13 of the Ombudsman Act where the subject of the investigation relates to the administrative action of a public authority.
- 30 The definition of a public authority differs slightly between the Ombudsman Act and the RTI Act. Certain entities, such as the Governor and Solicitor-General, are not public authorities for the purposes of the Ombudsman Act but are public authorities for the purposes of the RTI Act though partially excluded from its operation. I could not investigate any person or body which is not a public authority under the Ombudsman Act and also did not investigate other public authorities partially excluded from operation of the RTI Act under s6 of the Act or s39(2) of the *Child and Youth Safe Organisations Act 2023*.
- 31 Accordingly, all public authorities² investigated fit within the definition of a public authority in s4(1) of the Ombudsman Act, which sets out that a public authority is:
- (a) a State Service Agency;
 - (b) the Police Service;
 - (c) a local authority;
 - (d) a body or authority, whether incorporated or not, that is constituted or established by or under an Act for a public purpose;
 - (e) a body or authority, whether incorporated or not, whose members or a majority of whose members are appointed by the Governor or a Minister;
 - (f) a person appointed to an office by the Governor or a Minister under an Act;
 - (g) a Government Business Enterprise;
 - (h) a State-owned company;
 - (i) the University of Tasmania;
 - (ia) a regulated entity within the meaning of the *Water and Sewerage Industry Act 2008* ;

² A list of all public authorities investigated is at Annexure 1 of this report.

(j) any other prescribed body or authority, whether incorporated or not –

(i) to which any money is paid by way of appropriation from the Public Account; or

(ii) over which the Government or a Minister exercises control.

Methodology

Seeking information from all public authorities

32 Questions were asked of all public authorities in Tasmania who are fully covered by the RTI Act. Public authorities excluded under s6 of the RTI Act³, such as the Anti-Discrimination Commissioner and the Public Guardian, and the Office of the Independent Regulator⁴ were not included due to their more limited role in the sector.

33 These questions were asked to ascertain the type of guidance (if any) provided to public authorities' staff regarding the handling of personal information in information being released under the RTI Act. The following questions were asked:

- 1. Does your public authority have a written policy or guidelines to assist delegated officers under the RTI Act to process applications and to appropriately deal with personal information? If so, please provide a copy. If not, briefly explain any training provided to relevant staff.*
- 2. Does your public authority have documented policies and quality assurance procedures in place to ensure that original decisions, internal review decisions, and external review decisions under the RTI Act are implemented correctly, so that information identified as exempt from disclosure is not inadvertently released? If so, what are they?*
- 3. Does your public authority have further documented policies and quality assurance procedures in place to ensure that particularly confidential personal information, such as that which relates to children or private citizens, or sensitive information as defined in the PIP Act, is not inadvertently released? If so, what are they?*
- 4. Are you aware of previous instances in the past three years where your public authority has inadvertently released information that was identified, or ought to have been identified, as exempt from disclosure pursuant to s36 of the Act when implementing original decisions, internal review decisions or external review decisions under the RTI Act? If so, please provide:*
 - a. the name of the applicant.*
 - b. a description of the personal information that was inadvertently released;*
 - c. an indication of how the release was identified;*
 - d. a description of the steps taken by your public authority to rectify the breach in each instance; and*

³ These persons and bodies are not fully excluded from the operation of the RTI Act but it is only applicable to information in their possession which relates to the administration of the relevant public authority and not their substantive work.

⁴ Section 39(2) of the *Child and Youth Safe Organisations Act 2023* contains a corresponding provision to the exclusion provision in s6 of the RTI Act, indicating that the RTI Act is not applicable to the Independent Regulator except in relation to information relating to its administration.

- e. *a description of any measures taken to prevent further breaches (e.g. internal training or development or new procedures).*

34 Responses and policies received were reviewed and the results analysed.

Auditing targeted public authorities

35 My office also audited information released to applicants by four public authorities when implementing decisions in relation to 10 different assessed disclosure applications. The City of Hobart and DECYP were selected for this audit as each had recently been responsible for the inadvertent release of personal information while implementing decisions on assessed disclosure applications, while the Departments of Health and Police, Fire and Emergency Management were selected as each possesses particularly sensitive personal information.

36 In conducting this audit, my office requested that the public authorities:

provide a list of the last 50 finalised assessed disclosure applications accepted by [public authority] which resulted in an original decision, internal review decision or external review decision identifying information as exempt from disclosure pursuant to s36 of the RTI Act

37 Ten files were then randomly selected from the lists of fifty provided and copies of the relevant decisions and information sought from the four public authorities. The decisions were reviewed to ascertain which personal information had been determined to be exempt under s36 by the public authority. Unredacted copies of information relating to each assessed disclosure application were then cross-checked against copies of information provided to the relevant applicant in order to determine whether information identified as exempt under s36 of the Act was inadvertently released.

38 The results were analysed and discrepancies were identified in files relating to all four public authorities. Each public authority was provided with details of these discrepancies and given an opportunity to comment on whether it agreed with the characterisation of these as errors.

Making targeted inquiries of the City of Hobart and DECYP

39 Due to the known incidents relating to the City of Hobart and DECYP, formal responses were sought from both public authorities regarding the steps they had taken to rectify these privacy breaches. DECYP was also asked what steps it took to ensure that my predecessor's 6 June 2024 external review decision of *V and Department for Education, Children and Young People* was implemented correctly.

Making further targeted inquiries of the Department of Justice

40 During the investigation, a further incident was reported by the Australian Broadcasting Corporation (ABC)⁵ in which unredacted information was provided in error by the Department of Justice. One of its journalists, Ms Madeleine Rojahn, had made an application for assessed disclosure and a decision had been made in June 2025 that certain personal information was exempt under s36 of the RTI Act. When the information was provided, it was unredacted and the Department of Justice immediately acknowledged that the wrong document had been sent in error.

⁵ Rojahn, M., *Accidentally released document offers insight into Tasmania's Right to Information laws* (10 July 2025), ABC Online, www.abc.net.au/news/2025-07-10/unredacted-watch-house-document-insight-into-tasmanian-rti-laws/105464632.

- 41 As this error directly related to the current investigation, additional inquiries were made of the Department of Justice to ascertain how it occurred and whether any steps had been put in place to prevent such errors from recurring.

Procedural fairness

- 42 All public authorities subject to adverse findings have been provided the opportunity to respond to the relevant findings in this report.

Analysis

Guidance for RTI delegates

- 43 I sought responses from all of the public authorities which are fully covered by the RTI Act⁶ and a full list of those organisations contacted is at Annexure 1. I asked whether these public authorities have a written policy or guideline to assist delegated officers under the RTI Act to process applications and appropriately deal with personal information. I received responses from 85 public authorities.⁷
- 44 These responses revealed 45, or 53% of, public authorities, including all government departments except for the Department of State Growth, have developed a written policy or guidelines for RTI delegates. But a significant minority (47%) do not have any written guidance of any sort relating specifically to RTI.
- 45 Of the public authorities which did have some written guidance for their staff, I requested a further response regarding the extent of this guidance. I asked whether this included any documented policies or quality assurance procedures to ensure that original, internal review, and external review decisions under the RTI Act are implemented correctly, so that personal information identified as exempt from disclosure is not inadvertently released. The Department of Natural Resources and Environment, and the four public authorities⁸ which share the Department's RTI services, were the only public authorities which had such written guidance or procedures.
- 46 The third response requested was whether these policies or quality assurance procedures contained any content aimed at ensuring particularly confidential personal information, such as that which related to children or private citizens, or sensitive information as defined in the PIP Act, was not inadvertently released. No public authority included in this investigation had such additional guidance relating to RTI processes, though many have high level policies regarding personal information protection.
- 47 These responses showed that almost all public authorities rely on *ad hoc* processes to implement RTI decisions and undertake quality assurance. While this may be expected in relation to some small public authorities with low volumes of information requests and limited resources, even those public authorities which routinely deal with high volumes of personal and sensitive information have not developed official RTI guidance for their staff.

⁶ Public authorities excluded from the full operation of the right to information scheme under s6 of the RTI Act or s39 of the *Child and Youth Safe Organisations Act 2023* were not included in my investigation.

⁷ The Forest Practices Authority, National Trust of Australia (Tasmania), Southern Regional Natural Resource Management Association and TT-Line Company Pty Ltd did not respond to my requests for information during this investigation.

⁸ The Environment Protection Authority, the Inland Fisheries Service, the Royal Tasmanian Botanical Gardens and the Tasmanian Dairy Industry Authority.

- 48 Without procedures which require staff implementing decisions under the RTI Act to undertake a quality assurance process, preventable errors are occurring. While human error is a factor that can never be eliminated, additional steps should be taken to reduce the risk of such errors resulting in the release of personal information without justification. The PIP Act sets out Personal Information Protection Principles with which personal information custodians (the heads of all public authorities) must comply.
- 49 Personal Information Protection Principle 2, *Use and disclosure*, prohibits the disclosure of personal information for a purpose other than the purpose for which it was collected, unless certain conditions apply. This principle permits the intentional release of personal information under the RTI Act, as this falls within the condition that this would be authorised by law. But when information is not intended to be released but this occurs through an error, this is not authorised by the RTI Act and would be a breach of this principle.
- 50 Personal Information Protection Principle 4, *Data security*, sets out that a personal information custodian must take reasonable steps to protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure.
- 51 Compliance with these legal requirements is not optional and steps to ensure such compliance should be built into procedures at public authorities. To achieve compliance with the PIP Act, public authorities should develop written guidance for their staff mandating that a quality assurance process must occur when personal information is being redacted as exempt under s36 of the RTI Act. This step is likely to reduce the chance of inadvertent disclosure of personal information, if this guidance is implemented in practice.
- 52 This guidance should be tailored to the public authority's processes to ensure steps to safeguard personal information occur during every relevant RTI application. It is not necessary that this guidance is complex and lengthy. A short procedure and checklist may be sufficient to fulfil the embedding of personal information protection principles into RTI practices.
- 53 Examples of additional checking are:
- Undertaking an electronic search within documents for relevant names or addresses to ensure that all instances have been identified and redacted;
 - Having another staff member or delegate check that redactions have been correctly applied;
 - Double checking the correct document or version of a document is attached when sending information electronically; and
 - Flagging documents containing particularly sensitive information for additional checking to ensure these are correctly redacted.

Recommendation:

1. **All public authorities should document and implement procedures which mandate additional checking of the information intended to be released under the *Right to Information Act 2009* when this contains personal information assessed as being exempt under s36 of that Act.**

Known instances

- 54 A particular challenge in this investigation was that, due to the nature of many releases of personal information in error, public authorities are not always aware when incidents occur. Nevertheless, all public authorities were asked whether they were aware of any previous instances within the last three years in which personal information had been released in error after having been determined to be exempt under s36 of the RTI Act.
- 55 Seven public authorities, ranging from small local government councils to very large government departments, indicated to my office they were aware of such instances. These were:
- The City of Hobart – two instances;
 - Kentish and Latrobe Councils – four instances;⁹
 - The Tasmanian Planning Commission – one instance;
 - Department of Justice – one instance;
 - DECYP – four instances;
 - Department of Natural Resources and Environment – one instance.
- 56 In addition to these known instances, a further incident occurred at the Department of Justice during the investigation in which an unredacted version of relevant information was sent to the applicant, an ABC journalist, rather than the redacted version. This included information the Department of Justice determined was exempt from release under s36 of the RTI Act as it was personal information of a person other than the applicant.
- 57 The information inadvertently released by these public authorities included names, home addresses, personal contact details, business contact details and notifier details under the *Children, Young Persons and Their Families Act 1997*.¹⁰ The release of this information breaches the PIP Act and the Children, Young Persons and Their Families Act but also has the potential to expose those affected to risks of harm, including to their own personal safety.
- 58 Very few public authorities, notable exceptions being the Department of Police, Fire and Emergency Management (DPFEM) and the University of Tasmania, produced or referred to the existence of any written guidance as to how to respond to an inadvertent release of personal information during the implementation of an RTI decision. The accounts of the responses of public authorities to these known incidents often showed delays occurring due the lack of a clear process. Affected individuals were not always notified and were consequently denied any opportunity to complain about what had occurred or to assess any risks to their safety or privacy resulting from the breach.
- 59 Public authorities who have not already done so should engage with risk early and develop mitigation strategies which can be immediately implemented if a privacy breach occurs, rather than developing a process reactively when an incident occurs. Such a

⁹ Kentish and Latrobe Councils are separate public authorities but share administrative staff and provided a joint response to this investigation.

¹⁰ Section 16(2) of the *Children Young Person and Their Families Act 1997* sets out that *a person who receives a risk notification from a notifier, or who otherwise becomes aware of the identity of a notifier because he or she is engaged in the administration of this Act, must not disclose the identity of the notifier to any other person* without lawful excuse. The penalty for breaching this provision is a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 12 months, or both.

process would give certainty to applicants, delegates and members of the public. It is reasonable that a person is informed when a data breach which impacts them occurs and this should be built into procedures for public authority staff when implementing RTI decisions.

Recommendation:

2. **All public authorities should develop a written guidance document to inform their staff as to how to respond to the inadvertent release of personal information identified as exempt under s36 of the *Right to Information Act 2009*. This should contain an expectation that, if practicable, the affected individuals be notified of the breach and the type of information released, and be informed of their rights under the *Personal Information Protection Act 2004* to complain about the release of their personal information.**

Audit

- 60 As noted earlier in this report, seven public authorities self-reported incidents where personal information had been released inadvertently over the last three years. However, as my office had not required the public authorities to undertake an audit of all relevant files¹¹, it appeared this was likely to be a significant under-representation of the true number of incidents.
- 61 Accordingly, an audit of four key public authorities was conducted. While only a small sample size, the audit found that 30% of files audited at DPFEM and the Department of Health had released personal information in error. The error rate rose to 40% for the City of Hobart and DECYP. All four public authorities were given an opportunity to respond to the discrepancies identified and to advise us whether they agreed these were errors.

City of Hobart

- 62 The City of Hobart released personal information in error when implementing RTI Act decisions in relation to 4 of the 10 files audited. The personal information inadvertently released included names, mobile phone numbers and signatures.
- 63 The City of Hobart accepted that in each file errors had occurred, as the findings in the relevant RTI Act decisions regarding s36 exemptions did not match the information redacted.
- 64 The City of Hobart noted in relation to one of these files, the release of some first names was intentional to assist the applicant in understanding how different documents interacted with each other. However, the City of Hobart acknowledged that this intent was not made explicit in the relevant statement of reasons issued to the applicant. The City of Hobart also noted that for another file, though the names of Councillors were inconsistently redacted, it submitted this information should not have been redacted in any event, and that therefore, it was the redaction rather than the release of this information that should be considered an error.

Department of Police, Fire and Emergency Management

- 65 I consider that the Department of Police, Fire and Emergency Management (DPFEM) inadvertently released personal information when implementing decisions in relation to 3 of the 10 files audited. The personal information released included names and home

¹¹ Despite this not being mandated, I commend the public authorities which proactively undertook an audit of their relevant decisions in response to my investigation.

addresses. DPFEM responded to my view, setting out that it considered that some of this information was not inadvertently released but rather was inadvertently redacted, as it involved information which would be released by the public authority if assessed today.

- 66 While this may reduce the harm caused by the error, the key issue remains that the decision made on the relevant assessed disclosure application was not correctly implemented. While this investigation is focussed on the inadvertent release of personal information, the inadvertent redaction of information which is not exempt is also problematic. No part of this investigation was reviewing whether the decision to apply exemptions was correct. It was focussed on whether the decision made by the public authority was implemented as intended at the time it was made. I maintain this did not occur in 30% of DPFEM files audited.
- 67 DPFEM advised us that staff responsible for processing assessed disclosure applications have received updated training on the importance of consistent redaction and the handling of exempt information. Further, it advised us that a secondary review process is now being implemented for files containing sensitive or exempt information progressed by less experienced officers.
- 68 However, in its response to a draft of this report, DPFEM expressed concern about Recommendation 1 and that the mandating of additional checking exempt personal information was properly redacted “would place a significant resource burden on [DPFEM]” if undertaken by another staff member. It also raised concerns that the private information of individuals would be viewed by a larger number of staff through such processes and this may lead to vicarious trauma to its staff. It also raised concerns that additional checking by another delegate “would reduce the number of delegates available without a conflict of interest, should an internal review be lodged.”
- 69 While I accept these are matters to be carefully considered in the drafting of relevant procedures and in DPFEM’s work, they do not outweigh the legal requirement to appropriately safeguard personal information and ensure it is not released in error. The recommendation does not mandate that additional checking is done by another RTI delegate or subject matter expert, as the checking is not of the appropriateness of exemptions but of whether they have been properly applied. The recommendation also does not mandate that the additional checking is to be done by another staff member, though this is best practice.
- 70 I do not consider that Recommendation 1 is overly onerous or should be altered.

DECYP

- 71 DECYP accepted that it had inadvertently released personal information when implementing decisions in relation to 4 of the 10 files audited. The personal information released included names, home addresses and personal contact details, including phone numbers and email addresses.
- 72 However, DECYP noted the volume of information it assesses for each application is often quite large, usually amounting to thousands of pages. It further noted that the assessment of this information can be quite complex, particularly in relation to s36 information, given the names of numerous family members, members of the community and professionals are often all contained in the information being sought by an applicant. DECYP advised us that in light of this investigation, and these complexities, it has committed to a process whereby a second delegate reviews the original assessment before it is finalised and released to the applicant.

- 73 This is a proactive decision consistent with Recommendation 1 and is a positive step towards minimising errors in the future. However, in its response to a draft of this report, DECYP indicated it was concerned that “[r]equiring *all* personal records to be reviewed by a second delegate will be significantly resource intensive and will undermine DECYP’s attempts to address the significant backlog of requests.” It is therefore unclear whether DECYP has committed to undertaking additional checking that personal information is correctly redacted prior to release.
- 74 Due to the sensitivity of the information DECYP is processing and the requirements of the PIP Act that reasonable steps must be taken to prevent personal information from being disclosed in error, this is of concern. I urge DECYP to retain its additional checking and ensure this is incorporated into its documented RTI procedures when these are developed. It stated in its response to a draft of this investigation report it is “committed to learning from this investigation and implementing measures that strengthen privacy protections and public trust” but this needs to be reflected in its documented procedures.

Department of Health

- 75 I consider that the Department of Health inadvertently released personal information in implementing decisions in relation to 3 of the 10 files audited. The information in question included names, home addresses, telephone numbers and signatures. The Department did not agree with this finding. It acknowledged that “inconsistencies between disclosures and redactions...were inadvertently made.” But, in line with the argument also advanced by DPFEM, it considered these inconsistencies related to information which would not have been considered exempt under the personal information exemption in s36 of the RTI Act if assessed today. Accordingly, it considered that these were not inadvertent disclosures of information but inconsistent applications of inappropriate redactions.
- 76 I do not accept the Department’s assertion that personal information was not inadvertently released. All three relevant decisions state the Department’s intention was not to release information under s36 of the RTI Act on the basis that it considered it personal information of a person other than the applicant and that it would be contrary to the public interest to release it. That the Department may have made a different decision on the relevant applications now is not relevant to whether the decision actually made was correctly implemented. I continue to believe the Department inadvertently released personal information which it had found to be exempt at the time it made its decision in 30% of files audited.
- 77 The Department of Health has advised us that since these breaches, changes have been made that are designed to reduce the likelihood of such incidents occurring in the future. It advised us that it has expanded RTI delegations across its legal services team, has made improvements to its technical capabilities to more effectively work with large volumes of information during assessment and implementation, and has sought to release information through active disclosure, where possible, to reduce the burden on delegates.

Further audits

- 78 Due to the high percentage of errors found on audited files across all four public authorities, it is likely more errors have gone undetected. The results of this audit have already resulted in change at the audited public authorities as the scale of the issue was recognised. Accordingly, all public authorities should conduct similar audits to ascertain the extent of the issue and take remedial action as required.

- 79 Concerns were raised by DECYP, DPFEM, the Department of Justice and the Department of Health regarding the resource implications of undertaking a full file audit due to the high number of decisions relating to the exemption of personal information made by each public authority. I accept that this is a valid concern and have accordingly limited the scope of the audit to the last 30 decisions, to ensure the recommendation is beneficial but not overly onerous on public authorities which process high numbers of applications for personal information with limited resources.

Recommendation:

3. **All public authorities should undertake an audit of their past 30 decisions or those made within the last 12 months under the *Right to Information Act 2009* (whichever is fewer) in which information was found to be exempt under s36. This audit should ascertain if any personal information has been released in error and if process changes are needed to reduce commonly occurring errors. Appropriate steps should be taken to rectify any breaches of the *Personal Information Protection Act 2004* if these are identified in the audit.**

Targeted inquiries about specific incidents

- 80 My office made further targeted inquiries of the City of Hobart and DECYP, due to the known incidents which had occurred at each public authority in June 2024, which are discussed in paragraphs 13 to 27 of this report. The questions asked related to the steps each public authority took in responding to the privacy breaches and, for DECYP, the steps it took to correct its implementation of the external review decision in *V and Department for Education, Children and Young People*.
- 81 After becoming aware of a further incident regarding the release of an unredacted version of relevant information intended to be found exempt by the Department of Justice in July 2025, I also made inquiries of the Department of Justice about this incident and its response to it.

City of Hobart

- 82 The City of Hobart initially used an unreliable method of redaction – a black marker pen – which did not effectively remove exempt information. It did not promptly respond to my office when concerns about the erroneous release of personal information were initially raised and, while it contacted the applicant to ask that the relevant information be deleted, it did not contact individuals impacted by the release or give them any opportunity to complain about what occurred.
- 83 The City of Hobart indicated that “processes have been put in place within the legal and governance team to ensure that the risk of this occurring in future is mitigated” but did not provide any further detail. It also advised us that it has not developed any written policies or procedures to address this situation. It also indicated that it had not done so because it considered privacy breaches “have been such a rare occurrence” but had not conducted any audit of its files to ascertain if this was the case. As noted above, 40% of the City of Hobart files audited by my office were found to contain personal information released in error.
- 84 The City of Hobart’s response to this incident is not in accordance with best practice and it is, therefore, important that it implements the recommendations in this report to improve future responses.
- 85 The City of Hobart was given the opportunity to review a draft of this report and committed to fully implementing the recommendations proposed in it. It indicated that it

had “implemented practices that will improve the way it responds to RTI request and will address the concerns previously identified” by my office.

DECYP

- 86 The steps outlined by DECYP as to how it responded to the June 2024 incident more closely aligned to best practice, except in one respect. DECYP quickly contacted the applicant to request the information be deleted and promptly re-issued the information without the exempt personal information. It considered how to relay the news of the privacy breach to the impacted young people in a trauma informed way before advising them of the breach and their ability to complain.
- 87 However, it did not take these steps in a timely way. It required three requests from my office over two months for a substantive response to be received in relation to what had occurred. The impacted young people were not advised of the release of their personal information for over eight months. DECYP did not provide any explanation for either delay or acknowledge the negative impacts of this lack of timeliness following a privacy breach.
- 88 In relation to its processes, DECYP advised us that it does not have any additional documented policy or quality assurance process to try to reduce the risk of inadvertent disclosure of personal information during the implementation of an RTI Act decision.
- 89 However, it indicated that it had a significant quantity of non-documented processes which it follows when implementing decisions under the RTI Act. These included:
- *cross checking the applicants’ details and contact details in the decision letter against the application;*
 - *ensuring the applicants [sic] assigned application number is correct in both the decision letter and email to the applicant;*
 - *ensuring the assessed information attached to the correspondence has the redactions applied to the exempted information prior to sending the correspondence; and*
 - *only using blank decision templates, and not previous decisions, as templates for new decisions.*
- 90 In responding to questions about the steps undertaken in implementing my predecessor’s decision in *V and Department for Education, Children and Young People* correctly, DECYP explained that delegates read the external review decisions thoroughly and then “discussed” it with management. DECYP’s response noted that implementing the decision required the delegate referring between the information assessed originally, the marked-up version to be released, and my predecessor’s decision. DECYP noted that my predecessor’s decision was long and intricate and required the delegate to read each paragraph carefully and repeatedly to determine what exemptions were upheld and what additional information was required to be released.
- 91 In responding to questions about how it responds when personal information is inadvertently released, DECYP set out that it does not currently have any documented policies and procedures to guide staff on how to respond if personal information is inadvertently released. Instead DECYP advised us that the steps to be taken are decided on a case-by-case basis, with decisions about how to respond involving the input of senior staff, including managers and the Director of Legal Services. Factors considered when determining how to respond to a breach include:

- who the information has inadvertently been released to;
 - what information has been released; and
 - the length of time between the inadvertent release and DECYP becoming aware of it.
- 92 As for implementing an external review decision, DECYP advised us that it has developed a process of delegates reviewing the decision, discussing specific concerns with management, reviewing the applicants' assessed records and manually removing any redactions as directed by my office. This process is not documented.
- 93 After receiving the results of the audit, DECYP advised us that it had now introduced a quality assurance process. While this was not documented, it indicated that this involved "a process whereby a second delegate reviews the original assessment before it is finalised and released to the applicant." However, it noted that "while hopefully minimising information that should have been exempt being released, it adds additional delay to the processing of all applications for personal records."
- 94 DECYP is the custodian of highly sensitive information relating to children and young people. A high proportion of those engaging with the right to information process have suffered trauma and are victim-survivors of sexual abuse. It is incumbent on DECYP to be conscious of its obligations under the PIP Act and treat information it holds with special care in order to avoid additional trauma.
- 95 DECYP's failure to develop documented procedures is problematic due to the sensitivity of the information it routinely assesses under the RTI Act and the negative consequences of privacy breaches for individuals. Though it has developed a substantial amount of informal procedures in this area, it has not properly documented these or developed official guidance for its staff.

Recommendation:

- 4. Any public authorities which regularly deal with information relating to children and victim-survivors of sexual abuse, specifically but not limited to the Department for Education, Children and Young People, conduct an additional review of the appropriateness of their information disclosure practices. This review should focus on whether these practices limit harm and do not cause additional trauma, in recognition of the sensitivity of the personal information of which they are the custodians.**

Department of Justice

- 96 During this investigation it was reported in the media the Department of Justice had inadvertently released information it had identified as exempt from disclosure under s36 of the Act while implementing a decision on an assessed disclosure application. As this incident related to the issues being considered as part of this investigation, my office wrote to the Department of Justice to seek an explanation as to how this incident occurred and the steps, if any, taken in response to it.
- 97 The Department of Justice confirmed that an error had occurred, indicating it had attached the wrong version of the document containing the redacted information due to the relevant document failing to 'check-in' to its document management system prior to being emailed. This resulted in the incorrect version of the relevant document being sent to the journalist. The error was quickly identified and sought to be rectified within five minutes of it occurring.

- 98 The Department of Justice advised that, in relation to any additional steps being taken to prevent the issue recurring:

Noting that the Department deals with around 300 requests per annum, and that this is the first time that an incident of this nature has occurred, it is not my intention to introduce an additional step of having someone check attachments in each email prior to decisions being sent to an applicant. I have, however, asked the delegate to take extra time when sending decisions to confirm that the correct versions of documents are attached.

- 99 The error made by the Department of Justice was different to the others identified in this investigation as it related to the attachment of the wrong file to an email rather than any error in applying the redactions themselves. This type of error is less likely to be caught by the written guidance I have recommended in Recommendation 1 and alternative measures may be needed.
- 100 A review of information provided to our office by the applicant shows the document containing the unredacted personal information was titled *Final redacted*, followed by a description of the document. The title was clearly not a correct description of the contents of the document and has the potential to increase error rates. The Department of Justice has insisted, however, that the error in this matter was not caused by any confusion regarding the title of the document and whether it was a finalised version.
- 101 Though the name of the file may not have led to the inadvertent release of information in this instance, using clearer naming conventions would reduce the chance of incorrect versions of files being released in future. Using labelling in file names such as *Not for release* or *Internal use only* is a visual prompt which is easily incorporated into usual processes and mitigates against errors in a high volume working environment.
- 102 This issue with unclear naming conventions, coupled with the ineffective redaction of information with a black marker pen by the City of Hobart, has persuaded me that all public authorities should conduct a review their processes to ensure that the chances of avoidable errors are minimised. Simple changes to naming conventions or use of electronic software can significantly reduce error rates.

Recommendation:

- 5. All public authorities should review their redaction methods and naming conventions regarding documents to be released under the *Right to Information Act 2009*, to ensure that these are effective in ensuring that personal information is not inadvertently released.**

Conclusion

- 103 The information collected during this investigation revealed that it is common for public authorities not to have:
- documented policies, guidelines, or procedures to assist staff in processing assessed disclosure applications;
 - documented policies, guidelines and procedures to prevent the inadvertent release of personal information identified as exempt by staff implementing decisions on assessed disclosure applications; or

- policies and quality assurance procedures in place to help prevent confidential information relating to children, private citizens or sensitive information as defined under the PIP Act from being released by public authorities when implementing decisions on assessed disclosure applications.
- 104 The investigation audit identified public authorities are inadvertently releasing information identified as exempt pursuant to s36 significantly more often than they realise. This demonstrates the need for public authorities to have robust procedures in place that assist delegates in implementing decisions on assessed disclosure applications correctly and to know how to appropriately respond when a breach occurs.
- 105 The inadvertent release of personal information, such as names, addresses and personal contact details, can result in significant adverse consequences being suffered by those affected. Not only does the release of this type of information impact upon the privacy of individuals but can expose people to the risk of physical harm. Further, the release of someone's personal details such as their name or contact information can cause considerable distress, as was reflected in correspondence to my office by the person affected by the release of their personal information by the City of Hobart:
- Ombudsman*
- I am writing is some distress upon learning that the HCC [City of Hobart], despite denial on several times, has released my documents to a third party, including my name attached to my prior email address. I was contacted by someone else dealing on a separate RTI who advised that my correspondence had been released to him despite my explicit request for the document not being released, with my email address unredacted.*
- I'm at a loss on what to do.*
- 106 The release of this information can also constitute a breach of requirements in the RTI Act, the PIP Act, and provisions within various other pieces of legislation which operate to protect the confidentiality of personal information in certain circumstances.¹²
- 107 It is vital that more care is taken by public authorities who are the custodians of personal information of Tasmanians. Errors are occurring frequently and this systemic issue must be addressed to ensure that all reasonable steps have been taken to prevent the unjustified disclosure of personal information during the right to information process.

¹² *Children, Young Persons and Their Families Act 1997* (Tas) s11A; *Taxation Administration Act 1997* (Tas) (s76A).

Recommendations

1. All public authorities should document and implement procedures which mandate additional checking of the information intended to be released under the *Right to Information Act 2009* when this contains personal information assessed as being exempt under s36 of that Act.
2. All public authorities should develop a written guidance document to inform their staff as to how to respond to the inadvertent release of personal information identified as exempt under s36 of the *Right to Information Act 2009*. This should contain an expectation that, if practicable, the affected individuals be notified of the breach and the type of information released, and be informed of their rights under the *Personal Information Protection Act 2004* to complain about the release of their personal information.
3. All public authorities should undertake an audit of their past 30 decisions or those made within the last 12 months under the *Right to Information Act 2009* (whichever is fewer) in which information was found to be exempt under s36. This audit should ascertain if any personal information has been released in error and if process changes are needed to reduce commonly occurring errors. Appropriate steps should be taken to rectify any breaches of the *Personal Information Protection Act 2004* if these are identified in the audit.
4. Any public authorities which regularly deal with information relating to children and victim-survivors of sexual abuse, specifically but not limited to the Department for Education, Children and Young People, conduct an additional review of the appropriateness of their information disclosure practices. This review should focus on whether these practices limit harm and do not cause additional trauma, in recognition of the sensitivity of the personal information of which they are the custodians.
5. All public authorities should review their redaction methods and naming conventions regarding documents to be released under the *Right to Information Act 2009*, to ensure that these are effective to ensure that personal information is not inadvertently released.



Dr Grant Davies
OMBUDSMAN

ANNEXURE 1

Public authorities investigated

Government Departments

Department of Education, Children and Young People
Department of Health
Department of Justice
Department of Natural Resources and Environment
Department of Police, Fire and Emergency Management
Department of Premier and Cabinet
Department of State Growth
Department of Treasury and Finance

Councils

Break O'Day Council
Brighton Council
Burnie City Council
Central Coast Council
Central Highlands Council
Circular Head Council
Clarence City Council
Derwent Valley Council
Devonport City Council
Dorset Council
Flinders Council
George Town Council
Glamorgan/Spring Bay Council
Glenorchy City Council
Hobart City Council
Huon Valley Council
Kentish Council
Kingborough Council
King Island Council
Latrobe Council
Launceston City Council
Meander Valley Council
Northern Midlands Council
Sorell Council
Southern Midlands Council
Tasman Council
Waratah-Wynyard Council
West Coast Council
West Tamar Council

Other Public Authorities

Aurora Energy
Board of Architects of Tasmania
Brand Tasmania
Cradle Coast Authority
Environment Protection Authority
Forest Practices Authority
Homes Tasmania
Hydro Electric Corporation (Hydro Tasmania)
Inland Fisheries Service
Keystone Tasmania

Legal Profession Board of Tasmania
Local Government Association of Tasmania
Macquarie Point Development Commission
Marine and Safety Tasmania
Metro Tasmania Pty Ltd
Motor Accidents Insurance Board
National Trust of Australia (Tasmania)
Northern Tasmanian Development Corporation
Northern Tasmanian Natural Resource Management Association
Office of Tasmanian Assessment, Standards and Certification
Office of the Superannuation Commission
Office of the Tasmanian Economic Regulator
Port Arthur Historic Site Management Authority
Private Forests Tasmania
Property Agents Board
Royal Tasmanian Botanical Gardens
Southern Regional Natural Resource Management Association
Southern Waste Solutions
State Grants Commission
Sustainable Timber Tasmania
Tasmania Legal Aid
Tasmanian Audit Office
Tasmanian Dairy Industry Authority
Tasmanian Electoral Commission
Tasmanian Irrigation Pty Ltd
Tasmanian Liquor and Gaming Commission
Tasmanian Networks Pty Ltd
Tasmanian Pharmacy Authority
Tasmanian Planning Commission
Tasmanian Ports Corporation Pty Ltd
Tasmanian Public Finance Corporation
Tasmanian Railways Pty Ltd
Tasmanian Water and Sewerage Corporation (TasWater)
TasRacing Pty Ltd
TasTAFE
Teachers Registration Board of Tasmania
The Public Trustee
Tourism Tasmania
TT Line Company Pty Ltd
University of Tasmania
Veterinary Board Tasmania
Wellington Park Management Trust