Office of the
Information
Commissioner
Western Australia

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The Office of the Information Commissioner's (OIC WA) 2025-26 Annual Report was tabled in Parliament on 16 September 2026.

2025-26 was a year of significant transformation. The Information Commissioner, Annelies Moens said "this year, my office started to shift gears to be able to operate with higher volumes of work across both FOI and our new privacy remit". We achieved a 24% reduction in the time external review matters spent before our office, despite a 73% increase in valid applications.

In 2025-26 the OIC WA launched its new identity to reflect its new functions. We also implemented an organisational restructure and undertook several recruitments.

External engagement and communication activities were key focus areas, and will continue to be so, to increase awareness of the OIC WA's new privacy functions and our existing FOI external review functions. The OIC WA created significant privacy guidance for our regulated entities and members of the public.

The OIC WA released its annual report in two parts, with the second part dedicated to agency statistics across WA. Across the state over 26,000 valid access applications were received, a 22.9% increase compared to the prior year. Most agencies provide access in full (63.9%) or

edited access (19%).

To access the annual report please click on the link below:

Annual Reports: Office of the Information Commissioner

International Access to Information Day

International Access to Information Day (IAID) is celebrated annually on 28 September. The United Nations declared this international day in support of the right to seek and receive information encapsulated by Article 19 of the International Covenant on Civil and Political Rights.

The 2026 UNESCO theme is Upholding Information Integrity in the Digital Age: The role of access to Information in addressing Information Disorder.

In recognition of IAID, OIC WA is hosting an event on 30 September: Emerging Challenges and Opportunities in FOI.

Online and in-person registrations are still available. Email info@oic.wa.gov.au to register

Consultation on PIA guidelines

The Office of the Information Commissioner WA is seeking feedback on its draft privacy guidelines: 'Do I need to do a PIA?' and 'Privacy Threshold Assessment' template.

The purpose of these guidelines is to help IPP entities assess whether they are required to conduct a Privacy Impact Assessment (PIA) under the *Privacy and Responsible Information Sharing Act 2024* (WA) (PRIS Act). Where an IPP entity is not required to conduct a PIA, these guidelines are designed to help IPP entities consider whether there is another reason for conducting a PIA.

The OIC WA welcomes comments from interested stakeholders, including IPP entities and members of the public. The deadline for submissions is **4.00pm on 20 October 2026**. For more information and to download the draft guidance, please click on the link below:

Consultation on draft Privacy Impact Assessment (PIA) guidelines

Outcomes from Privacy Community of Practice event

The OIC was proud to host its first online Privacy Community of Practice (Privacy CoP) session on Thursday 24 September 2026. With attendees from over 75 Western Australian public sector entities, this event was well attended and warmly received.

The session opened with remarks from the Information Commissioner. This was followed by a presentation by the Privacy Deputy Commissioner on the OIC's new privacy complaints jurisdiction and a member presentation on learnings from their PRIS implementation experience. The session wrapped up with a Q&A with the Privacy Deputy Commissioner.

This community is open to WA public sector Privacy Officers and PRIS Champions (or their

nominated delegates). If you haven't already registered and are interested in attending future sessions, please register using this form: Privacy Community of Practice.

FOI decisions

Re TL4 and Shire of York [2026] WAICmr 16

In this decision, the Information Access Deputy Commissioner considered section 20 of the *Freedom of Information Act 1992* (WA). Section 20 allows an agency to refuse to deal with an application where processing it would divert a substantial and unreasonable portion of the agency's resources from its other operations.

The Deputy Commissioner emphasised 'substantial' and 'unreasonable' are separate concepts. An agency must establish both before relying on section 20. While some considerations may be relevant to both, the assessment of each involves a different inquiry.

In considering whether a diversion is **substantial**, relevant factors include:

- the scope of the application (whether it is expressed in general terms; time period covered by application);
- the number and nature of the documents;
- the type and complexity of documents within scope;
- where the documents are located;
- whether consultation with third parties is required, and the extent of such consultation; and
- the resources required to process the application.

In considering whether a diversion is **unreasonable**, relevant factors include:

- the size of the agency;
- the resources ordinarily available for FOI processing;
- the agency's competing operational priorities and responsibilities;
- any demonstrable importance of the documents to the applicant;
- whether there is a significant public interest in the documents requested; and
- the applicant's approach to narrowing the application.

The Deputy Commissioner also confirmed an agency cannot rely solely on inadequate FOI resourcing to justify a refusal under section 20. The decision provides useful guidance on the distinct stages of the section 20 assessment and the balance between the right of access and the agency's other operational responsibilities.

Read the full decision here.

Other recent decisions

Re Ambulance Employees Association of Western Australia and Department of Health [2026] WAICmr 15:
Whether disclosure of the Ambulance Services Agreement between WA Health and St John Ambulance WA could reasonably be expected to have an adverse effect on the commercial affairs of an agency (clause 10(4)).

Re HZ8 and Western Australia Police Force [2026] WAICmr 17
Whether police records relating to the complainant are exempt under clause 3 (personal information).

Re MW2 and Department of Primary Industries and Regional Development [2026] WAICmr 18
Whether access to documents about designated animal welfare inspectors, including inspection records, outcomes and internal evaluations, reports or audits, can be refused on the basis they do not exist or cannot be found (section 26).

Re Alexander Creek Pty Ltd and Department of Mines, Petroleum and Exploration [2026]

WAICmr 19
Whether disclosure of mining exploration reports could reasonably be expected to destroy or diminish commercially valuable information (clause 4(2)) or have an adverse effect on the business or commercial affairs of a person (clause 4(3)).

Re SB9 and Department of Justice [2026] WAICmr 20
Whether documents relating to a court incident involving the complainant are exempt under clause 3 (personal information); whether access to further documents can be refused on the basis they do not exist or cannot be found (section 26).

Interview with the Information Commissioner

Last month, Lexis Nexis interviewed the Information Commissioner, Annelies Moens to discuss WA's new privacy framework.

In this conversation, the Information Commissioner outlined what makes WA's new *Privacy and Responsible Information Sharing Act 2024* (WA) stand out in the Australian landscape, including its approach to automated decision-making, de-identified information and the "fair and reasonable" test for handling personal information.

She discusses the implications for contracted service providers, mandatory breach notification, and privacy impact assessments, as well as the privacy risks associated with AI and data analytics.

To read the full article, please click on the link below:

Inside WA's bold new privacy framework

Upcoming events

Emerging Challenges and Opportunities in FOI - 30 September

The OIC will mark International Access to Information Day with an event for agency FOI officers on 30 September 2026. The Information Commissioner and Information Access Deputy Commissioner will provide an update on the state of FOI in WA and lead discussion of some of the challenges facing agencies and the OIC WA. Online and in-person registrations are still available. Email info@oic.wa.gov.au to register.

The Privacy and FOI landscape in WA - 9 October

The Information Commissioner will be presenting at Curtin University on the privacy and FOI landscape in WA. To register click below:

Curtin Corner on Friday 9 October 2026: The privacy and FOI landscape in WA Tickets, Friday, October 9 • 4:30 PM

Communication Advisory Group - 13 October

The Privacy Deputy Commissioner will be speaking to communication directors of WA Government agencies on the PRIS Act, including the potential implications for communications functions.

Roundtable on the intersection of cybersecurity, competition and privacy in the Asia-Pacific - 14 October

The Information Commissioner will be participating in a round table discussion hosted by the Future of Privacy Forum, in conjunction with the Center for Digital Law of Singapore

Management University. Participants will be examining current challenges and opportunities in privacy, cybersecurity and competition in digital markets across the Asia Pacific.

The Mandarin Live: Future Ready Public Service Western Australia - 29 October

The Information Commissioner will be joining a panel to discuss Digital transformation and AI: Moving beyond WA's 2021–2025 Digital Strategy - closing the gap between automation ambition & workforce readiness. The Information Commissioner will discuss privacy accountability frameworks and governance of AI.

FOI and Privacy tip of the month



Privacy - Avoiding shadow AI tools

Shadow AI is the unsanctioned use of AI tools or applications by employees without approval or oversight of IT.

Use of publicly available or personal AI tools (including AI chatbots) introduces significant risks, including data leakage and security vulnerabilities.

Any personal information you input into these AI tools may be used to improve the performance of the tool or be shared with third-parties without your knowledge.

We encourage staff to engage with your Privacy Officer or IT Help Desk to ensure AI tools have been approved for use within your organisation.



FOI - Getting the scope right

When assessing the scope of an access application, agencies should be mindful not to take an overly strict or literal approach. It is important to consider the context of the application and the intended scope of the request. Remember: applicants may not necessarily know how to accurately describe the kinds of documents they are seeking to access.

Under section 12 of the *Freedom of Information Act 1992* (WA), an application must provide enough information to identify the requested documents. If it does not, section 11(3) requires the agency to take reasonable steps to help the applicant amend the application.

This means agencies should engage with applicants where an application is ambiguous or imprecise, and seek clarification where necessary.

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Office of the Information Commissioner

Phone: (08) 6551 7888
Free-call (WA country land-line callers only): 1800 621 244
Email: info@oic.wa.gov.au
Web: www.oic.wa.gov.au

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000

Acknowledgement of Country

The Office of the Information Commissioner acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.