



Independent  
Review Office

# **IRO Agency Information Guide**

May 2024

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## Document Data

<b>Policy Owner</b>	Independent Review Officer
<b>Compliance required by</b>	All staff, contractors
<b>Approved by</b>	Independent Review Officer
<b>Date created</b>	December 2021
<b>Next review due</b>	May 2027
<b>Drivers</b>	<i>Government Information (Public Access) Act 2009</i> <i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
<b>Legislative compliance</b>	<i>Government Sector Employment Act 2013</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>Workplace Injury Management and Workers Compensation Act 1998</i> <i>Annual Reports (Departments) Act 1985</i> <i>Government Sector Finance Act 2018</i> <i>Public Interest Disclosures Act 2022</i>
<b>Reference</b>	DCS Agency Information Guide DCS Proactive Release of Government Information Policy Information and Privacy Commissioner Public Interest Consideration Factsheet
<b>Contact officer</b>	Principal Policy Officer
<b>Compliance assurance</b>	Annual reporting, disclosure log
<b>Policy location</b>	On the IRO website: <a href="https://iro.nsw.gov.au/about-us/public-access-information">https://iro.nsw.gov.au/about-us/public-access-information</a>

## Revision History

Version	Approved by	Amendment notes
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V1 December 2021	IRO Executive	-
V2 May 2024	IRO Executive	Updates made in response to commencement of the NSW Mandatory Notification of Data Breach Scheme (MNDB) on 28 November 2023, and DCS Proactive Release of Government Information Policy (April 2024).

# AGENCY INFORMATION GUIDE – IRO

This is the Information Guide of the Office of the Independent Review Officer (IRO). It is published in accordance with the requirements of the *Government Information (Public Access) Act 2009* (GIPA Act). The GIPA Act gives you the right to access government information.

The purpose of the document is to provide general information on:

- IRO's structure and functions
- the objectives of IRO and its values
- the way in which IRO's functions affect members of the public
- how members of the public can participate in policy formulation and provide feedback, and
- the kinds of information held by IRO and how to access it.

## 1. PART ONE – INFORMATION ABOUT IRO

The IRO is an independent statutory office established on 1 March 2021 under the *Personal Injury Commission Act 2020* (PIC Act).

### 1.1 IRO functions

The statutory functions of IRO as set out in section Schedule 5, Part 3, clause 6 of the PIC Act are to:

- find solutions for persons injured at work or in motor vehicle accidents with complaints about their insurers.
- manage and administer the Independent Legal Assistance and Review Service (ILARS).
- conduct inquiries into matters arising in connection with the operation of the *Personal Injury Commission Act 2020* and the workers compensation and motor vehicle accident legislation.

The IRO also runs an extensive education program for various scheme stakeholders across NSW.

The IRO has corporate functions and obligations that we are required to fulfil to enable us to perform our statutory functions. These include the effective and efficient management of:

- finances
- staff
- procurement
- assets
- annual reporting
- information technology
- legislative compliance
- risk
- corporate governance.

These functions and obligations are conferred on IRO under a number of statutory instruments (Acts). Some of the key Acts include:

- *Government Sector Employment Act 2013* – employment of staff
- *Government Information (Public Access) Act 2009 (GIPA Act)* – publication of certain government information and granting access to other information
- *Privacy and Personal Information Protection Act 1998* – standards and requirements for collection and use of personal information, and mandatory notification in the event of an eligible data breach
- *Health Records and Information Privacy Act 2002* – requirements for collection and use of health information
- *Work Health and Safety Act 2011* – requirements for healthy and safe work practices
- *Workplace Injury Management and Workers Compensation Act 1998* – injury management and return to work
- *Annual Reports (Departments) Act 1985* – requirements for annual reporting
- *Government Sector Finance Act 2018* – management and administration of financial affairs
- *Public Interest Disclosures Act 2022* – requirements for dealing with complaints under the Act.

We are supported to undertake many of these functions by the Department of Customer Service (DCS). The DCS AIG can be found here: <https://www.nsw.gov.au/customer-service/access-to-information/agency-information-guide>.

Each year we report on our activities over the course of the year through our Annual Report. Visit our website for all published Annual Reports at <https://iro.nsw.gov.au/>.

## 1.2 IRO organisational structure

The Independent Review Officer is supported by an expert team, the IRO. IRO is a separate public service agency under Schedule 1 of the *Government Sector Employment Act 2013* (GSE Act) and the Independent Review Officer is appointed as agency head. As the agency head, the Independent Review Officer is responsible for the budget and the general administration of IRO, including employing and allocating staff to carry out our work.

We have three business units to assist the Independent Review Officer in exercising the functions of IRO. These units are:

- The Solutions Group – investigates and solves complaints made by persons injured at work or in motor vehicle accidents about the acts or omissions of insurers. It also provides an information service with respect to claims of persons injured at work.
- The Independent Legal Assistance and Review Service (ILARS) – this function assesses and manages applications for grants of funding from independent IRO Approved Lawyers (ALs) to provide legal advice and assistance to injured workers.
- The Strategy, Policy and Support Group – identifies, reports on and recommends solutions to emerging and systemic issues in the statutory compensation schemes by analysing data and supporting community and stakeholder education and engagement. It also provides financial, information technology and records

management support for IRO, in addition to procurement and other business services in conjunction with external providers.

### 1.3 Objectives of IRO

The [IRO Direction 2023-25](#) may be accessed on the IRO website. It sets out the Mission, Priorities and underlying Strategies for transformation and improvement for the Independent Review Officer over the two years until December 2025.

The IRO will report on progress against the Direction 2023-25 in future Annual Reports which will be available on our website.

### 1.4 IRO Values

IRO Values include the values of the NSW public sector. These values are: **integrity, trust, service** and **accountability**. You can read more about these values at the NSW Public Service Commission website at <https://www.psc.nsw.gov.au/>

In addition to these public sector values, IRO has developed its own specific values which represent our staff and what IRO office stands for.

IRO Values are:

**independence** – we are impartial, fair and just

**integrity** – we act professionally with honesty, consistency and impartiality

**trust** – we build relationships based on mutual respect

**service** – we provide services with a focus on customer needs

**accountability** – we take responsibility for decisions and actions

**expertise** – we apply expert knowledge of personal injury compensation laws and systems

### 1.5 Effect of IRO functions on members of the Public

The Solutions Group aims to assist certain affected members of the public to resolve their complaints against insurers or provide them with helpful information. IRO seeks to address problems at a stage when things may be resolved quickly with a minimum of stress and without financial cost.

There are review procedures in place should the Solutions Group determine they cannot provide assistance. For more information, see the [IRO Complaints and Compliments Policy](#).

ILARS consider applications for legal funding and manage these grants. Grants of funding enable eligible members of the public injured at work to obtain independent legal advice and assistance from IRO Approved Lawyers with respect to claims for workers compensation.

IRO Approved Lawyers are also able to seek a review should IRO determine not to approve a grant or the extension of a grant for an injured person. For more information, see the [ILARS Funding Guidelines](#).

IRO conducts inquiries and provides recommendations or comments on possible beneficial changes to the workers compensation and motor accident schemes, including possible

changes to the law. Visit our website for all published inquiries at <https://iro.nsw.gov.au/publications/categories/inquiries>.

## 1.6 Public participation

IRO welcomes public participation and feedback. You can make a comment or suggestion, participate in formulating policies or recommendations, or raise issues you feel are of concern to you or the public at large. You can do this by contacting the IRO.

IRO may on occasion provide an opportunity for the public to make submissions on discussion papers and reports. When we seek submissions, we outline how you can participate on our website. You may provide feedback on the functions and policies of IRO.

In particular, you may give feedback about:

- any aspect of our service
- a decision we make
- a practice, policy or procedure
- staff behaviour or conduct.

You can provide feedback by email, letter or telephone.

An important way to participate is to subscribe to our mailing lists, newsletters and social media pages by signing up [here](#).

*IRO Contacts include:*

<b>ILARS</b>	ilarscontact@iro.nsw.gov.au
<b>IRO Solutions</b>	complaints@iro.nsw.gov.au
<b>Media</b>	editor@iro.nsw.gov.au
<b>Other enquiries</b>	contact@iro.nsw.gov.au
<b>Telephone</b>	If you are unable to email us or complete our <a href="#">online form</a> , you can contact us by calling 13 94 76.

## 1.7 Feedback and complaints about us

IRO is committed to maintaining and improving the quality of our services through feedback from the people who use them. We value all feedback which can be in the form of complaints, feedback or compliments.

To contact us in this regard please visit the [complaints and feedback](#) page.

All feedback and complaints are dealt with confidentially and personal information is managed in accordance with the privacy protection principles in the *Privacy and Personal Information Protection Act 1998*.

## 1.8 Contact Us

For further information about us, you can contact IRO as follows:

<b>Email</b>	privacy@iro.nsw.gov.au
<b>Website</b>	www.iro.nsw.gov.au



**Telephone** 13 94 76

**Our location** Level 8, 1 Oxford Street, Darlinghurst NSW 2010

We encourage you to contact us via email or phone.

## 1.9 Social Media

The [IRO LinkedIn account](#) is used to promote and encourage connection with IRO by other organisations, agencies and members of the public. This channel is used to provide the public with information on recent IRO publications and events.

## 2. PART TWO – INFORMATION WE HOLD

IRO holds a range of information including:

- policy and planning documents
- documents on the internal administration of IRO
- internal working papers of IRO
- correspondence with NSW government agencies
- correspondence with the public
- correspondence with insurers and other stakeholders
- submissions, reports and research materials
- information resources for stakeholders and the public
- personal and health information of persons injured at work or in motor accidents
- legal information including legal advices, opinions and records of Personal Injury Commission and court proceedings.

The *Privacy and Personal Information Protection Act 1998* protects your privacy rights in NSW by making sure that your personal information is properly collected, stored, used or released by IRO. However, as prescribed by the Mandatory Notification of Data Breach Scheme (MNDB Scheme), if there has been an 'eligible data breach', IRO will notify affected individuals and the Privacy Commissioner. For more information, see the [IRO Data Breach Policy](#).

### 2.1 How to access our information

We make information available under the GIPA Act in four ways:

- as open access information
- through proactive release of information
- through informal access
- in response to a formal access application

### 2.2 Open access information

Mandatory open access information (as provided for in sections 6 and 18 of the GIPA Act) is publicly available on IRO's website free of charge. This information includes the following:

- [policy documents](#)
- [annual reports](#)

- [IRO Direction 2023-25](#)
- this Agency Information Guide
- [submissions](#)
- disclosure log of access applications
- [statistical information](#)
- register of government contracts

### 2.3 Proactive release of information

The proactive release of information is a discretionary power to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost (sections 7 and 72 of the GIPA Act).

We promote the release of newly published information, which may be of interest to the public. We regularly proactively release information that is available on IRO's website, and are committed to ensuring that the information is provided in an accessible format for the public. The information we may release in this way includes (and is not limited to):

- guidelines
- brochures
- bulletins
- fact sheets
- statistical information
- any other information which may be of interest to the public.

Relevant information is also available at the Data.NSW website: <https://data.nsw.gov.au>.

### 2.4 How to access information we hold under the GIPA Act

The GIPA Act provides the public with a right to access government information and IRO is committed to openness and transparency in line with the spirit of the GIPA Act.

### 2.5 Informal access

The GIPA Act authorises the release of government information in response to an informal request unless there is an overriding public interest against disclosure (section 8 of the GIPA Act).

If the information you seek is not available through our website, we may be able to release it to you informally without the need for a formal access application.

We generally provide the following types of information in response to an informal request:

- your personal information
- copies of correspondence sent to us by you
- applications and supporting documents sent to us by you
- documents that may have already been made public in some other way
- other reasonable requests for release of information that would not raise any potential public interest or privacy concerns.

For more information about public interest considerations, see the [Information and Privacy Commission Public Interest Consideration Factsheet](#).

This form of release does not require a fee or an application form. Information may be released with deletions, released subject to reasonable conditions, or released in a preferred form. We may impose conditions on the use or disclosure of information that we release in response to an informal request.

If you would like to make an informal request for information, please email the IRO Privacy Officers at [privacy@iro.nsw.gov.au](mailto:privacy@iro.nsw.gov.au).

## **2.6 Formal access applications**

If the information you are looking for is not published by us or available through informal request, you may wish to make a formal access application in writing under the GIPA Act. Formal access applications are subject to application fees and processing charges. We will not release information if there is an overriding public interest against its disclosure.

You can make a formal application by completing a Government Information Public Access (GIPA) [online application form](#) or emailing [gipa@customerservice.nsw.gov.au](mailto:gipa@customerservice.nsw.gov.au).

## **2.7 Information which may not be disclosed**

The GIPA Act prescribes that certain categories of information held by some agencies, which forms part of their complaint handling, review and investigative functions is excluded information.

This means that there is a conclusive presumption against the release of this information unless the release of the information has been consented to. An access application for this type of excluded information is considered an invalid access application under the GIPA Act. You can find out more about your right to information by visiting the Information and Privacy Commission NSW website at <https://www.ipc.nsw.gov.au/>

## **2.8 Disclosure log**

We maintain a disclosure log under section 25 of the GIPA Act which documents the information we release in response to access applications, and that may be of interest to members of the public.

Our disclosure log provides a mechanism to further proactively release information to the public.

A regular review of our disclosure log provides a valuable opportunity to analyse data collected from across the IRO on requests for information and to identify trends and documents that could be released proactively. This allows us to update our AIG to reflect the released information.