

7 February 2017

Mr David Lawson

*By FYI.org website:*

Dear Mr Lawson

**Request of 20 December 2016**

We write further to your request for information, made 20 December 2016.

It is correct that Office of the Privacy Commissioner's case note of 2012 only referenced section 2(b)(viii) and commentary regarding judicial functions.

Previously DRSL/FairWay was of the view that section 2(b)(xii) could also apply. There is no legal opinion regarding this point.

Given developments over time and after further consideration we are of the view that it would not be appropriate to rely on this section. We therefore shortly intend to update the manual accordingly to remove this reference, as part of a more general update. The updated manual will be published on FairWay's website.

We confirm the commentary as set out in the Privacy Commissioner's case note still applies, and we will follow this, as well as the opinion of the Ombudsman.

You may contact the Office of the Ombudsman in relation to this response.

Yours sincerely



**Rhys West**  
Acting Chief Executive