

28 May 2018

Emailed to: fyi-request-7747-a651a41d@requests.fyi.org.nz

Dear Miss Forest

**Official Information Request – Agencies with insufficient complaint pathways
(Our Ref: OPC/2864)**

I refer to your request under the Official Information Act 1982 (OIA) received on 2 May 2018.

You request information on the following:

Regarding on decision making whether to "take no action" or to "decline" these,

Does the commissioner have a process, workflow, guidelines, directives, policy, procedure or such to identify and ensure that the agency should be investigated or educated about the requirements of the act without the complainants required to be "victim first" of the agencies who do not adhere to providing appropriate vehicles to make complaints in reasonable manner.

Such as:

Where the agency that has been complained has either no:

- Privacy Officer or
- Real address e.g. only a PO-Box or
- Reasonable and verified secure way to send privacy complaints

Or the only way to send privacy complaint is to expose complainants personal information (e.g. voice/biometrics where the agency may be recording this without no credible privacy policy in place)

To an agency that the complainant believes would victimise them and breach their privacy and has refused to use the inappropriate vehicles as above to resolve the issue.

Or it may be also that the website ownership of an agency may be in question.

2) From 15 Mar 2018 until 2 May 2018 (Today) how many investigations under the s.69(2) has the privacy commissioner commissioned related to (1) by their own initiative.

3) How many of these complaints that could match the criteria were marked as "no action" under s.71 if you have data?

4) And how many that could match the criteria were marked as "declined" outside s.71 of the act if you have data?

The response to each part of your request is set out below:

1) The Commissioner only has jurisdiction to investigate certain complaints, and can only exercise his discretion under section 71 to take no further action on a complaint under the grounds set out in that section. The processes for assessing these matters is set out in our procedures manual. See from page 23 of our Procedures Manual: Dispute Resolution and Investigations - <https://privacy.org.nz/assets/Files/Brochures-and-pamphlets-and-pubs/2018-01-final-Procedures-Manual-Disputes-Resolution-section.pdf>

Agencies are routinely provided advice about how to educate themselves about the Act, including referring agencies to the freely available material, including training modules on our website.


2) None.

3) See response to question 2.

4) See response to question 2.

You have the right to ask the Ombudsman to investigate and review my decision on your request.

Yours sincerely



Jane Foster
General Counsel