



# Advice from Alan

## The Privacy Commissioner

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What does the Privacy Commissioner do? The Privacy Commissioner

investigates complaints about privacy breaches, enquires into some privacy matters even if no complaint is received, and generally monitors compliance with the Privacy Act. Every individual is entitled to know why and when information about them is being collected, how it is stored and used, to access the information held, and to request correction if it is wrong.

If you believe your privacy has been breached, you should first try to resolve matters with the organisation concerned. Wait at least 30 days for a response before you complain to the Privacy Commissioner. They are unlikely to investigate matters more than 12 months old and you must have suffered some harm from the breach before they will look into it. They are also unlikely to investigate if the organisation has already resolved the matter, e.g. apologised, changed its processes to prevent a repeat, or provided compensation. The Privacy Commissioner cannot force anyone to pay damages or a fine or even to accept their findings, but it is unusual for an

organisation to ignore the findings.

An organisation has 20 working days to respond to a request for access to or correction of information. Some extensions are possible in limited circumstances, but the organisation must explain why it needs an extension and when they will provide the information. Access to information can only be refused in specific situations.

During an investigation, the Privacy Commissioner will look at opportunities to resolve issues in a way acceptable to both parties. They will look at which principles of the Privacy Act may have been breached and seek relevant information before reaching a view on whether there has been an interference with privacy. A conciliation conference might be arranged to attempt a resolution.

If a complaint is not settled, the Privacy Commissioner will provide their view on whether there has been a breach and a certificate that the matter has been investigated by them. A claim to the Human Rights Review Tribunal for a breach of privacy cannot be brought without such a certificate.