



Resolving Privacy Complaints: Internal Resolution & Working with OPC

Sarah and Jade
Investigations and Dispute Resolution

1. Resolving in house

- *Know your processes*
- *Engaging directly with the complainant*

2. Working with OPC

- *Early resolve – what is it and what are the benefits?*
- *Working with us during a complaint investigation*

3. Questions?



Steps

Acknowledge

Listen

Investigate

Communicate

Resolve

Rebuild

Timely responses get better results

Know your processes

- Who is your privacy officer?
- How can you receive complaints?
- What do you do if you receive a complaint?
- Issue identification – is this privacy related?





Investigate

What systems do you have in place to help you look into complaints to determine whether it has substance?

- Audit logs – who is looking at information and should they be?
- Policies and procedures in place for staff
- Training
- Breach reporting obligations



Keep good records

- Don't delete information
- Take notes of what happened with detail
- Who? What? When? Where? Why? How?

Top tips:

Write your response / report as if it is going to be read by OPC. Clarity is key.

Say what you mean – don't apologise for a breach if you don't think one happened

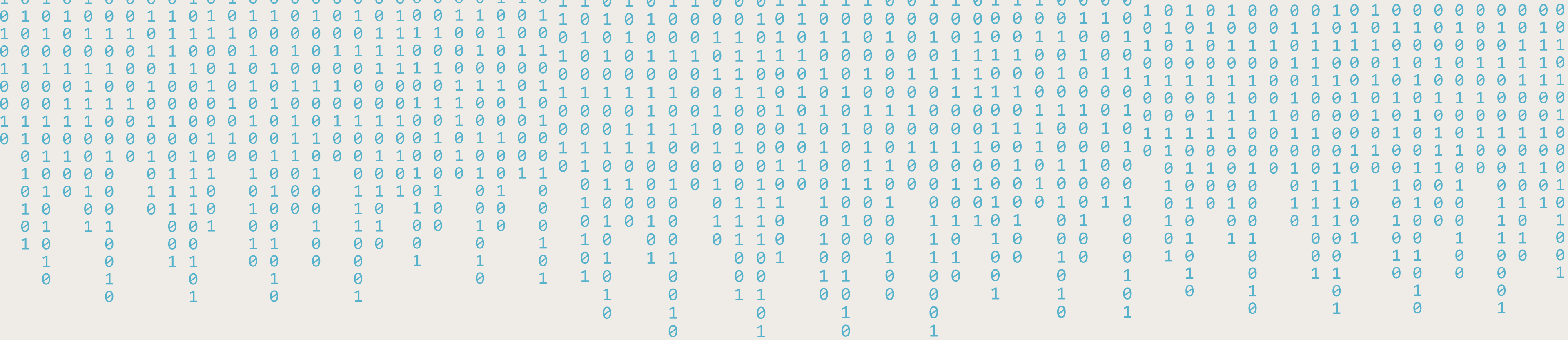
Engaging with the complainant

- What does resolution look like for the complainant?
- Harm requirement.
- Notifying a privacy breach vs Resolving individual complaints.
- What happens if resolution is unsuccessful?



Resolution

- Clear communication, timeframes and updates.
- What does the complainant want?
- Common desired resolution outcomes.
- Settlement.



Resolution outcomes and settlement

Common desired resolution outcomes:

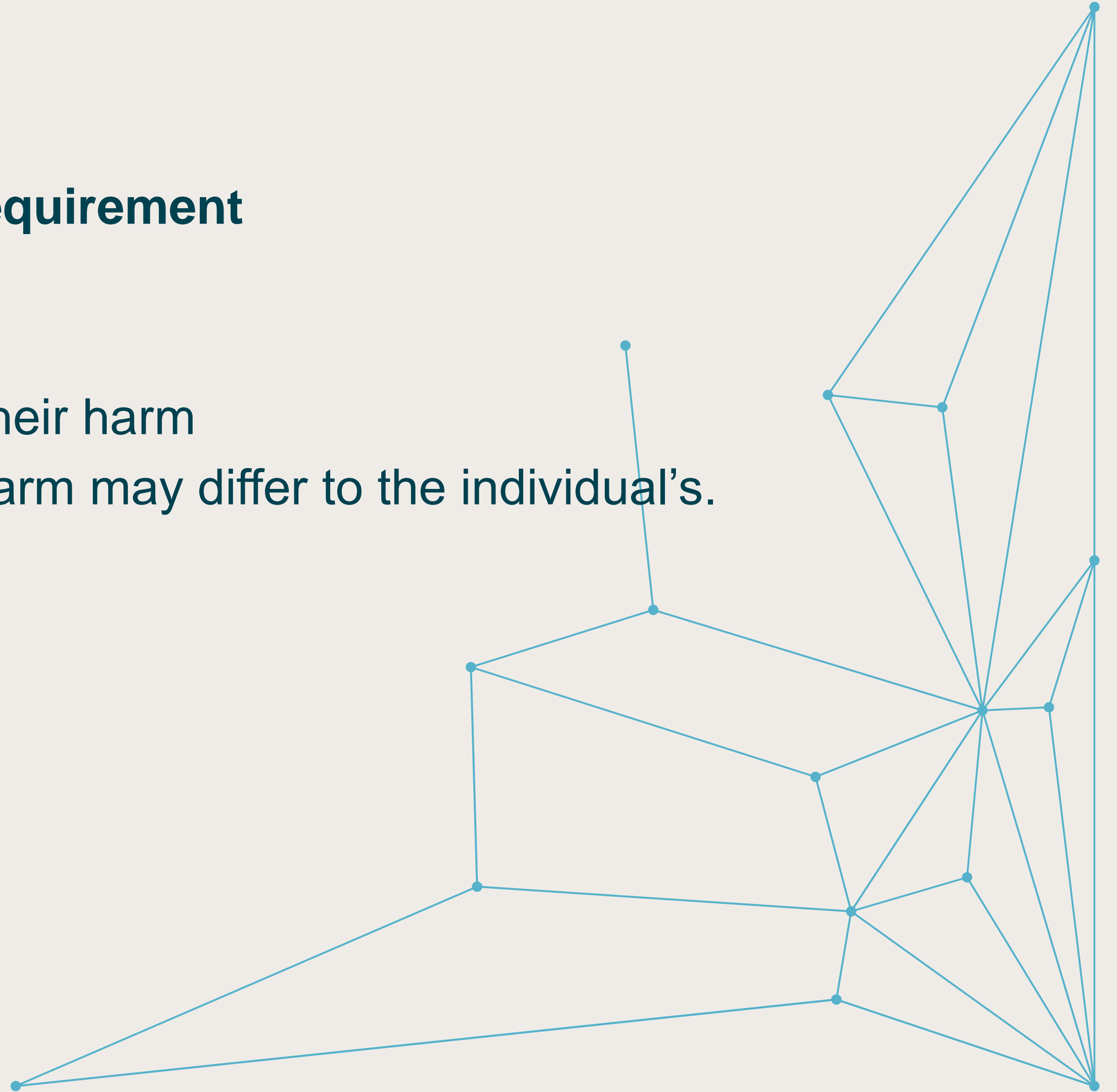
- Apology
- Process/systems changes
- Financial compensation

Harm requirement

- Breach + harm = interference
- Ask the individual to explain their harm
- An agency's assessment of harm may differ to the individual's.

Types of harm:

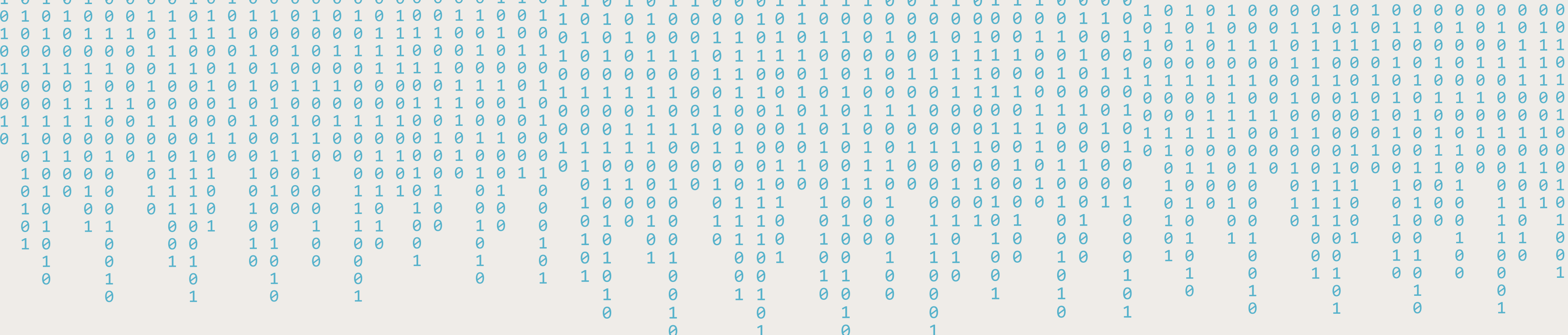
- Specific damage
- Loss of benefit
- Emotional harm





Notifying OPC vs Resolving individual complaints

- Legal requirement to notify OPC
- Agencies should also work with affected individuals to resolve concerns



Next steps?

- If resolution is unsuccessful, the individual will then be able to complain to OPC.
- We will then assess whether to investigate the complaint or not.

Top tips:

- Don't take complaints personally
- Separate the complaint from the person.

Working with OPC



Working with OPC – Early resolution

- Preliminary enquiries
- Avoid a formal complaint
- Communication is important (once again)
- Accessible contact details for the privacy team



Working with OPC – Complaint Investigations

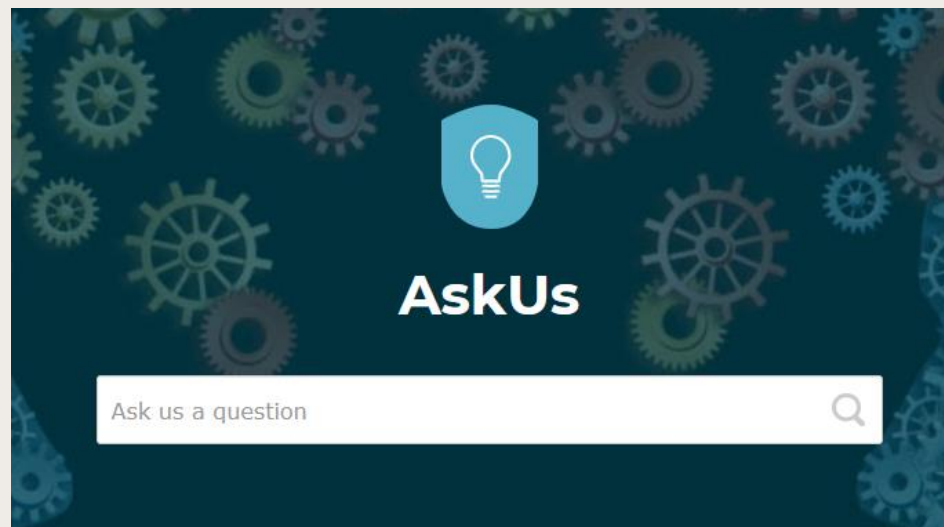
- Provide us with all relevant information – we don't know what we don't know!
- We don't want to have to summon you to require you to provide information.
- We want to work *with* you to ensure you're meeting your obligations.
- Open communication – keep us updated and tell us what is going on!

Questions?



Privacy Commissioner

Te Mana Mātāpono Matatapu



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