

The Privacy Commissioner frequently investigates complaints about businesses or organisations failing to give people access to their personal information.

After an investigation, the Privacy Commissioner will be able to make binding decisions on these complaints and issue an access direction to the business or organisation concerned.

What is an access direction?

An access direction is a binding written notice issued to a business or organisation by the Privacy Commissioner. The notice directs the business or organisation to release personal information to an individual.

The Commissioner can issue an access direction if there has been an investigation of a principle 6 complaint and the Privacy Commissioner has determined that the person is entitled to some or all of the personal information they requested.

What is included in an access direction?

All access directions will outline the steps or conditions the business or organisation needs to take to comply. This will include what information the business or organisation needs to release, the process they need to follow, and the date by which they must take those steps.

What organisations need to do

If a business or organisation receives an access direction, it must take steps to comply as soon as possible.

If a business or organisation disagrees with an access direction, it can appeal to the Human Rights Review Tribunal. An appeal must be lodged within 20 working days of receiving the notice.

Enforcement

If a business or organisation does not comply with an access direction, the complainant may bring proceedings in the Human Rights Review Tribunal for an order to enforce the access direction.

It is an offence to fail to comply with an access order issued by the Tribunal without reasonable excuse. A business or organisation can be fined up to \$10,000 in such cases.

For more information, visit [privacy.org.nz/askus](https://www.privacy.org.nz/askus) or find us at:

