



Privacy Commissioner  
Te Mana Matapono Matatapu

## Position Description

### Position Details

Position Title:	Team Manager, Investigations and Dispute Resolution
Reports to:	Assistant Commissioner (Policy and Operations)
Location:	Auckland/Wellington
Date Issued:	November 2015 (updated January 2016)

### Purpose

The purpose of the position is to assist the Privacy Commissioner to achieve the objectives of his office, with particular reference to Parts 8 and 9 of the Privacy Act 1993 which deal with the investigation and resolution of complaints. The position leads, supervises and mentors a team of investigators and enquiries officers. It also helps lead, or contributes to, policy advice and ad hoc or one-off projects undertaken by the Commissioner's office.

### Background

The Office of the Privacy Commissioner is an independent Crown entity established by the Privacy Act 1993. The Privacy Commissioner reports to Parliament through the Minister of Justice (or Associate).

The main purpose of the Privacy Act 1993 is to promote and protect individual privacy. The Privacy Commissioner monitors, researches and reports on matters relating to privacy, and has an educational and outreach role in promoting the understanding, acceptance and protection of individual privacy. The Commissioner independently investigates, conciliates and deals with cases involving an interference with the privacy of an individual; scrutinises legislative and other proposals that may affect privacy; issues codes of practice; and assesses and monitors authorised information matching and information sharing programmes. The Commissioner is required to have due regard for the protection of important human rights and social interests that might compete with privacy, and to take account of international obligations accepted by New Zealand and international developments in privacy protection.

The work of the Office of the Privacy Commissioner is encapsulated in its mission statement:

*"To promote and protect individual privacy by encouraging and sustaining a culture in New Zealand where personal information is protected and respected wherever it exists."*

The Privacy Commissioner has offices in Wellington and Auckland.

## Principal Accountabilities

Key Function	Accountabilities
<b>Team Management</b>	<p>Planning:</p> <ul style="list-style-type: none"> <li>• To assist the Assistant Commissioner (Policy and Operations) [AC(PO)] with strategic and business planning for the complaints management, dispute resolution and enquiries functions of the Commissioner.</li> <li>• To ensure that the work of the team is aligned to the wider strategic and operational objectives of the Commissioner's office.</li> <li>• To actively contribute as a member of the Commissioner's wider management team to the development and implementation of the Commissioner's strategic and operational objectives, and the efficient and effective management of the Commissioner's office.</li> </ul>
	<p>Managing:</p> <ul style="list-style-type: none"> <li>• In consultation with the AC(PO), to develop and implement appropriate systems, processes and procedures to ensure the effective and cost efficient delivery of the team's services.</li> <li>• To ensure that team members comply with the Code of Conduct, policies, practices and standards of the Commissioner's office, including for timeliness and attendance.</li> <li>• In consultation with the AC(PO) and as may be required from time to time, to assign team members to special projects or specific items of policy-related or other work led and managed elsewhere in the office.</li> <li>• To actively liaise with the Team Manager, Investigations and Dispute Resolution, Auckland/Wellington and the Team Manager, Policy and Technology to ensure cooperation across all three Operations teams, the most effective use of resources, and consistency in approach.</li> </ul>
	<p>Quality assurance:</p> <ul style="list-style-type: none"> <li>• To ensure that the work of the team is well founded on privacy principles, is analytically rigorous and legally sound, and incorporates expert privacy/legal advice from the AC(PO), General Counsel, Commissioner and/or other staff, as required.</li> <li>• To ensure that any reports, papers, submissions or correspondence drafted by the team meets the standards of timeliness, accuracy, quality and presentation prescribed by the Commissioner's office.</li> <li>• To ensure that the education seminars/workshops delivered by the team are to a high standard of presentation and are well co-ordinated and organised.</li> <li>• To develop and maintain an up-to-date knowledge of privacy and data protection issues, and of any legislation which defines or affects the accountabilities of the Team Manager.</li> </ul>
	<p>Team development:</p> <ul style="list-style-type: none"> <li>• To monitor, mentor, assess and report on the performance and training or development needs of individual team members, and their progress towards agreed performance standards and targets, both individually and collectively.</li> <li>• To assist the AC(PO) with the recruitment and induction of new</li> </ul>

Key Function	Accountabilities
	<p>staff, as required.</p> <ul style="list-style-type: none"> <li>• To ensure that team members maintain effective working relationships within the team, and with internal and external stakeholders; and that any representational work on behalf of the office is undertaken to the standards of professionalism prescribed by the Commissioner.</li> <li>• To ensure the health and safety of members of the team in dealing with complainants, respondents, and enquirers.</li> <li>• To model high standards of personal integrity and conduct.</li> </ul> <p>Reporting:</p> <ul style="list-style-type: none"> <li>• To report to the AC(PO) and Commissioner on the complaints management, dispute resolution and enquiries functions and the team's performance against the Statement of Performance Expectations for the Commissioner's office, and any internal key performance indicators.</li> <li>• To ensure that accurate and up-to-date records are created and maintained across the investigations and enquiries teams.</li> </ul>
<p><b>Investigations, Enquiries and Special Projects</b></p>	<ul style="list-style-type: none"> <li>• To ensure that alleged breaches of the Privacy Act are investigated in a careful, well-judged and sensitive way; the law is effectively analysed and applied to the facts of individual complaints; and opinions are well reasoned and legally defensible.</li> <li>• To lead and develop the team's use of alternative dispute resolution mechanisms (e.g. by the use of mediation or compulsory conferences) to resolve complaints.</li> <li>• To ensure that enquiries are handled in a timely, responsive and professional manner and the service is informative and factually accurate.</li> <li>• To lead or help undertake investigations and inquiries initiated by the Commissioner into any matter, including any enactment or law, or any practice, or procedure, whether governmental or non-governmental, or any technical development, if it appears to the Commissioner that the privacy of the individual is being, or may be, infringed.</li> <li>• To assist the General Counsel, where required, with litigation in the Human Rights Review Tribunal, including preparation of documents and submissions; appearing before the Tribunal; and managing the interlocutory stages of proceedings.</li> <li>• To help promote understanding and awareness by public and other agencies about how to comply with their privacy obligations to avoid giving rise to complaints about alleged breaches of privacy, including meeting with agencies and other organisations, as required.</li> <li>• To lead or contribute to ad hoc or one-off special projects undertaken by the Commissioner, typically on a cross-functional basis, into any privacy related issue or to improve any aspect of the Commissioner's operations.</li> </ul>
<p><b>Advocacy</b></p>	<ul style="list-style-type: none"> <li>• To develop and maintain productive and effective external stakeholder relationships and networks that may be relevant to the work of the Team Manager and/or to promote and further the wider interests of the Commissioner's office.</li> </ul>

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	<ul style="list-style-type: none"> <li>• To contribute to and further the Commissioner’s international collaboration with overseas privacy regulators and cross-border privacy-related authorities, and encourage and promote the use by the team of international privacy resources.</li> <li>• To deliver speeches, education seminars/workshops and other public presentations, and assist with the development of education and public information material (including case notes and blog posts).</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>• To undertake the accountabilities of the position to the standards of quality and timeliness as prescribed by the AC(PO).</li> <li>• To alert the AC(PO) or Commissioner in a timely manner to any significant issue that might adversely impact or may be of wider significance or concern to the Commissioner’s office.</li> <li>• To seek the prior approval of the AC(PO) before applying any new interpretation of the law, or departing from approved policy or practice.</li> <li>• To maintain collegial and productive working relationships with all of the Commissioner’s staff, noting particularly that the office takes a cross-functional approach to its work and all staff are expected to work co-operatively and collaboratively.</li> <li>• To undertake or assist with such other functions of the Commissioner as may be requested by the AC(PO) or Commissioner from time to time including, but not limited to: <ul style="list-style-type: none"> <li>– policy and compliance projects;</li> <li>– advice about the privacy implications of draft or existing legislation, proposed or current government policy, and business or other developments which might have an impact on the privacy of the individual;</li> <li>– preparation of reports, papers or submissions to support policy positions taken by the Commissioner;</li> <li>– research into, or monitoring of, privacy and related developments in New Zealand and overseas;</li> <li>– education and outreach;</li> <li>– media enquiries;</li> <li>– audits.</li> </ul> </li> </ul>

## Qualifications and Experience

The Team Manager will ideally have the following professional qualifications:

- Tertiary qualification in law (or relevant career experience in law);
- Practising Certificate in law or have met the requirements to be issued with one;
- Accreditation or qualification in alternative dispute resolution.

The position requires an experienced team leader/manager with demonstrable success in supervising and mentoring high functioning teams. It also requires excellent written and oral communications, inter-personal and relationship management skills. The team manager must have the knowledge, skills and experience to lead and develop the team’s use of alternative dispute resolution to settle complaints. The appointee will require the legal skills and/or proven ability to write opinions that are well reasoned and legally defensible.

The Team Manager also requires excellent analytical skills and will ideally have some experience in policy analysis work and/or in leading one off projects.

Experience in working with privacy law, or with applying legislation in a regulatory environment, would be an advantage.

### Key Relationships

<b>Internal</b>	<ul style="list-style-type: none"> <li>• Assistant Commissioner, Policy and Operations</li> <li>• Investigations and enquiries team members (X and X respectively at October 2015)</li> <li>• Team Manager, Investigations and Dispute Resolution, Auckland/Wellington</li> <li>• Team Manager, Policy and Technology</li> <li>• Other operations staff</li> <li>• General Counsel</li> <li>• Commissioner and other members of the senior leadership team and staff</li> </ul>
<b>External</b>	<ul style="list-style-type: none"> <li>• Complainants and respondents</li> <li>• Key stakeholders from external agencies and organisations that have a significant relationship with the Commissioner’s office</li> <li>• Privacy networks and related interest groups, in NZ and overseas</li> </ul>

### Delegations

<b>Human Resources</b>	Nil
<b>Financial</b>	Nil
<b>Limits on Authority</b>	<ul style="list-style-type: none"> <li>• No statement is to be issued to the news media or any information released to the general public without the prior approval of the Privacy Commissioner.</li> <li>• Any significant departure from approved or accepted work practice or procedure is first to be discussed and agreed with the General Manager or Privacy Commissioner.</li> <li>• There is no authority to enter into any ongoing contract that may in any way be binding on the Privacy Commissioner, without the prior approval of the Commissioner or the General Manager. The booking of venues, travel or accommodation must be in accordance with the policies, practices and procedures of the Commissioner’s office.</li> </ul>

## Key Competencies

NB:

The competencies identified below are mapped against the 5 core values of the Commissioner's office, expressed as follows:

- **Respect** – for all the people we deal with, and for viewpoints that differ from our own
- **Integrity** – we are honest, fair and transparent in our work
- **Independence** – we operate impartially and without political or personal bias
- **Innovation** – we value innovation, creativity and a culture of continuous improvement
- **Excellence** – we strive for best professional practice and leadership in our field

Competency	OPC Values	Description of skilled behaviours
<b>Team Management Skills</b>	Innovation Excellence Respect Integrity	<ul style="list-style-type: none"> <li>• Effectively supervises and mentors team members;</li> <li>• Builds strong working relationships within the team, and between the team and other stakeholders, both internal and external; and</li> <li>• Manages team resources effectively to ensure the delivery of outputs to agreed standards of timeliness and quality.</li> </ul>
<b>Alternative Dispute Resolution Skills</b>	Respect Innovation Excellence	<ul style="list-style-type: none"> <li>• Uses appropriate dispute resolution mechanisms to help resolve conflict and settle disputes e.g. mediation, conciliation, negotiation and compulsory conferences;</li> <li>• Helps facilitate settlement between opposing parties in a manner that is respectful of the rights of all parties; and</li> <li>• Leads, coaches and mentors other team members in using alternative dispute resolution to resolve and settle complaints.</li> </ul>
<b>Analytical Skills</b>	Innovation Excellence	<ul style="list-style-type: none"> <li>• Applies intellectual rigour to researching and analysing complex issues systematically and comprehensively;</li> <li>• Provides robust, well thought out conclusions supported by relevant data;</li> <li>• Identifies emerging issues early and proactively addresses them; and</li> <li>• Thinks laterally about issues and is innovative in problem-solving.</li> </ul>
<b>Professionalism</b>	Respect Integrity Independence	<ul style="list-style-type: none"> <li>• Displays highest standards of personal integrity, honesty and conduct;</li> <li>• Exercises discretion at all times, particularly in dealing with sensitive or confidential material;</li> <li>• Develops and maintains constructive working relationships with internal and external stakeholders; and</li> <li>• Uses language and has a demeanour and</li> </ul>

Competency	OPC Values	Description of skilled behaviours
		personal presentation that reflects a professional outlook.
<b>Communication Skills</b>	Respect Integrity Excellence	<ul style="list-style-type: none"> <li>• Communicates clearly, concisely and in plain English, both orally and in writing, and is an active listener;</li> <li>• Delivers presentations effectively and can use a range of presentation methods and media; and</li> <li>• Negotiates effectively and can achieve co-operation and agreement where there are conflicting objectives.</li> </ul>
<b>Technology Skills</b>	Innovation Excellence	<ul style="list-style-type: none"> <li>• Competently uses equipment and software to produce own work, and is proficient with the Microsoft Office suite of applications and such other software or information technology tools as are required for the role; and</li> <li>• Adopts and adapts to new technologies readily.</li> </ul>
<b>Self-management</b>	Innovation Excellence	<ul style="list-style-type: none"> <li>• Works independently and is largely self-managing, yet is also a strong team player;</li> <li>• Self-motivated and self-driven, understands and accepts responsibility for own performance requirements;</li> <li>• Plans, organises and prioritises work effectively, is motivated to find solutions to problems, and is results-driven;</li> <li>• Maintains and enhances knowledge by actively keeping up-to-date with developments;</li> <li>• Participates actively in training and development opportunities;</li> <li>• Completes work in a timely manner and follows through with commitments; and</li> <li>• Sets and maintains high standards of performance.</li> </ul>
<b>Teamwork</b>	Respect Innovation Excellence	<ul style="list-style-type: none"> <li>• Works as a team member and demonstrates collegiality through knowledge sharing and excellent work relationships;</li> <li>• Relates to a wide variety of people, both within the Office and externally, in a positive and helpful manner; and</li> <li>• Supports group decisions and puts group goals ahead of own goals.</li> </ul>
<b>Innovation and Adaptability</b>	Innovation Excellence	<ul style="list-style-type: none"> <li>• Displays a positive attitude to change, adapts readily, and initiates changes as required;</li> <li>• Effectively manages competing priorities;</li> <li>• Generates ideas for improvement, takes advantage of opportunities and suggests innovations; and</li> <li>• As with all other staff, undertakes such other duties and responsibilities as the Commissioner may reasonably request from time to time.</li> </ul>