

# Privacy Complaint Handling

Following are the procedures the AOFM will follow in the event a privacy complaint is received. A privacy complaint is taken to be a complaint made by or on behalf of an individual about an act or practice of the AOFM or one of its contracted service providers, in relation to the individual's personal information (i.e. a living natural person and not, for example, a company), that is in breach of the AOFM's or the service provider's obligations under the Privacy Act. These procedures are not intended to apply to requests for access to, or correction of, personal information held by the AOFM.

## **Making a privacy complaint**

*What should I do before making a privacy complaint?*

The AOFM can only investigate privacy complaints in relation to its acts or practices or the acts or practices of the AOFM's contracted service providers.

For the protection of everyone's privacy, the AOFM only accepts complaints made by persons directly affected or an authorised representative. As such, if you wish to make a privacy complaint on someone's behalf, please provide proof of authority to do so.

*How do I make a privacy complaint?*

If you believe that the AOFM or one of its contracted service providers has not dealt with your personal information in accordance with the Australian Privacy Principles (APPs), you can make a privacy complaint to the AOFM in one of two ways:

### **(1) Via email:**

Rob.Nicholl@aofm.gov.au

### **(2) Via telephone:**

The AOFM's switchboard number is 02 6263 1111.

To fully understand the nature of your complaint and outcome you seek, the AOFM prefers that you make your privacy complaint in writing (see the 'Privacy Complaint Form' at *Attachment A* that you can use).

*What information should I include in my privacy complaint?*

To assist AOFM in investigating your complaint you should include:

1. What happened?
2. When did it happen or come to your attention?
3. Where did it happen?
4. Who was involved?
5. How do you believe your personal information has been mishandled?
6. What outcome are you seeking?

## **Anonymous complaints**

Please note that the AOFM can generally accept anonymous complaints although this could limit how it is investigated. An example of where an anonymous complaint would be investigated is where an alleged breach involved the privacy of multiple individuals, such as data leakage.

## **Third parties**

It may be necessary to contact third parties named in your privacy complaint. This may necessitate disclosing the nature of your privacy complaint and your identity. You can advise us that you do not wish for the AOFM to do this, however, please be aware that this may mean the AOFM cannot properly investigate and resolve your privacy complaint.

## **How long will the AOFM take?**

Initial acknowledgement is within five business days of it being received by the AOFM's Privacy Champion.

Investigation and responses depend on the nature and complexity of the issues involved. Written notification of a complaint outcome will generally be within twenty business days; otherwise an update on the progress of your complaint will be provided.

## **What happens if I am not satisfied with the AOFM's response?**

If you are unhappy with the AOFM's response to your privacy complaint you can lodge a written complaint with the Office of the Australian Information Commissioner (OAIC). More information about the OAIC and how to lodge a complaint can be found on [the OAIC website](#). The OAIC generally prefers that individuals complain to the agency in the first instance before complaining to the OAIC.

## **Privacy complaint handling procedures**

AOFM officer receiving a complaint:

- If a verbal privacy complaint is received via telephone, the complainant should be encouraged to submit their complaint in writing otherwise the officer receiving the complaint should:
  - document the verbal complaint;
  - capture the complainant's contact details (at a minimum this should include a telephone number, but ideally would also include an email or postal address);
  - advise the complainant that details of the privacy complaint and their contact details will be forwarded to the AOFM's Privacy Champion;
  - if the complainant is unwilling to provide their contact details or would like to use a pseudonym or be anonymous, advise the complainant that it will probably be difficult to properly investigate or respond to their complaint and it may not be possible for the AOFM to provide a response to the complainant;
  - refer the privacy complaint promptly to the Privacy Champion.

- Written privacy complaints should be promptly forwarded to the Privacy Champion.

The Privacy Champion will:

- acknowledge the individual's privacy complaint within five business days of receipt;
- liaise with the complainant as appropriate to seek any relevant information necessary to investigate the privacy complaint and to identify the outcome the complainant is seeking;
- impartially assess and investigate the privacy complaint;
- appropriately document the investigation process;
- advise the complainant of the outcome of the investigation and the proposed action, if any, the AOFM intends to take;
- provide the complainant with information on how to make a complaint to the Office of the Australian Information Commissioner (OAIC) if they are unhappy with the outcome of the AOFM's investigation;
- if the outcome of the investigation concludes that the AOFM or one of its contracted service providers appears to have mishandled an individual's personal information, direct actions appropriate to ensure a similar incident does not occur again.

### Privacy Complaint Form

This form is provided to assist you - the more information you can provide the better the investigation can be.

For the protection of everyone’s privacy the AOFM only accepts complaints made by the relevant individual or an authorised representative. As such, if you wish to make a privacy complaint on someone’s behalf, please provide proof of authority to do so.

#### Complainant details

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Home phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

If you are complaining on behalf of someone else please include that person’s name and your relationship to that person below:

\_\_\_\_\_

\_\_\_\_\_

*NOTE: please submit proof of your authorisation with this form (e.g. written authorisation by the individual)*

#### How do you believe your privacy has been breached?

(Please provide sufficient detail to enable the AOFM to appropriately investigate your complaint, e.g. what happened, when did it happen or come to your attention, where did it happen, who was involved, what Australian Privacy Principles (APPs) do you believe have been breached, how do you believe your personal information has been mishandled?)

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**What impact has this had on you?**

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**What outcome from the AOFM are you seeking?**

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**Documents**

Please attach copies of any documents you consider may assist the AOFM investigate your privacy complaint.

Complainant's signature \_\_\_\_\_ Date: \_\_\_\_\_

**Lodgement****Mail:**

Privacy Champion  
Mr Rob Nicholl  
Chief Executive Officer  
Australian Office of Financial Management  
Treasury Building  
Langton Crescent  
PARKES ACT 2600

**Email:**

Rob.Nicholl@aofm.gov.au

**Privacy Collection Statement**

The personal information collected from you on this form is collected by the AOFM for the purposes of assessing, investigating, conciliating and reporting on your privacy complaint. The AOFM may collect information about you from other individuals or organisations involved in the complaint for these purposes.

The AOFM may disclose the information you give us to the individuals or organisations named in the privacy complaint and, if necessary, to others who have information relevant to your complaint. In case of a challenge to the AOFM's conduct connected with your privacy complaint, the AOFM may need to disclose some of your personal information to a review body, for example, the Office of the Australian Information Commissioner or other court or tribunal. The AOFM is not likely to disclose your personal information to any overseas recipients unless your complaint relates to an overseas contracted service provider of the AOFM.

You are not required to provide the AOFM with your contact details and may make a privacy complaint anonymously. However, if you do not provide your contact details, the AOFM may not be able to properly investigate your complaint or inform you of the action, if any, taken in response to your complaint.

The AOFM's Privacy Policy contains information about how you may access your personal information held by the AOFM. This Privacy Policy also contains information on how you can complain about a breach of the Australian Privacy Principles (APPs). A copy of the AOFM's Privacy Policy can be found at <https://aofm.gov.au/privacy/>