Australian Privacy Commissioner launches online interactive system: ComplaintChecker

The Australian Privacy Commissioner (the Commissioner) received 1276 complaints for the 2003/04 financial year; 60 per cent of these complaints related to private sector organisations. This is more than six times the number of complaints received before the Privacy Act 1988 (Cth) (the Act) was extended to cover much of the private sector in 2001.

Of the complaints made to the Commissioner about half are not investigated for various reasons, for example, because the complainant has not yet raised the issue with the agency or organisation, or because an exemptions applies, such as the exemption for employee records.

To assist members of the public who may be thinking about making a privacy complaint the Office of the Federal Privacy Commissioner (the Office) has developed an expert system called ComplaintChecker. ComplaintChecker is a logical decision tree which reaches conclusions on the basis of user input to help people decide whether to lodge a complaint. ComplaintChecker was launched on 28 July 2004.

ComplaintChecker is an online interactive system which poses a series of up to eight simple questions requiring 'yes', 'no' and 'I don't know' user responses. It is designed to give individuals information on whether the Commissioner is likely to be able to investigate their complaint. It also outlines the steps the individual needs to take for the Commissioner to investigate a matter.

ComplaintChecker gives assistance to individuals about privacy complaints against private sector organisations, government agencies, credit providers and credit reporting agencies; it does not cover complaints about tax file numbers, data matching or spent convictions. In these cases the complainant is referred to the Commissioner's website or hotline.

The Act includes exceptions, exemptions and discretions which affect the Commissioner's powers to investigate complaints received. ComplaintChecker incorporates these, and allows individuals to see how they would apply to their specific complaint scenario.

If after having used ComplaintChecker people are still not sure if the Commissioner is likely to investigate their complaint, they are encouraged to seek further information from the Office or to go ahead and lodge a complaint.

To complement the ComplaintChecker, the Office has published casenotes outlining the application of the Commissioner's discretion when deciding whether to investigate complaints. These casenotes are derived from actual de-identified complaints lodged with the Commissioner.

Similarly, the Office routinely publishes other casenotes that outline complaints about breaches of the Act, how the law applies and remedies agreed to between the parties to a complaint. The Office also publishes formal decisions made by the Commissioner under s 52 of the Act. These are published on the Office's website as 'Determinations'.


The Office's hotline number is 1300 363 992.

For more information contact
Amelies Morsen, Deputy Director
Compliance, Office of the Federal Privacy Commissioner.