



PRIVACY COMPLAINTS HANDLING

This operational instruction outlines the procedure to be followed when Complaints are made to a Scheme Agent regarding a suspected breach of privacy.

- (a) The Complaint will only be dealt with or reviewed if it is made in writing within six months of the complainant becoming aware of the conduct that is the subject of the Complaint.
- (b) An individual (the reviewer) will be appointed by the Scheme Agent to review the Complaint and must be, as far as practicable, a person who is an employee of the Scheme Agent and not substantially involved in any matter relating to the conduct or activity or the subject of the Complaint or suspected breach. The reviewer must be suitably qualified to deal with the matters raised by the Complaint or suspected breach.
- (c) In reviewing the Complaint, the reviewer must consider any relevant material submitted by any party involved, as well as any relevant privacy guidelines, policies or management plans.
- (d) The review must be completed as soon as is reasonably practicable, but no later than 60 days from the date the Scheme Agent receives the Complaint.
- (e) As soon as practicable after receiving a Complaint, the Scheme Agent must notify the Nominal Insurer.
- (f) If requested by the Nominal Insurer, the Scheme Agent must provide any information regarding the progress of the review.

Following completion of the review, the reviewer may recommend that the Scheme Agent take one or more of the following courses of action:

- (a) take no further action or make a formal apology to the person who made the Complaint, or the subject of the suspected breach
- (b) take remedial action as appropriate and provide undertakings that the conduct will not occur again
- (c) implement administrative measures to ensure that the conduct will not occur again.

As soon as practicable after completing the review, the Scheme Agent must notify, in writing, the complainant, or the subject of the suspected breach, of the findings of the review and the reasons for those findings, and any action proposed to be taken by the Scheme Agent.

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