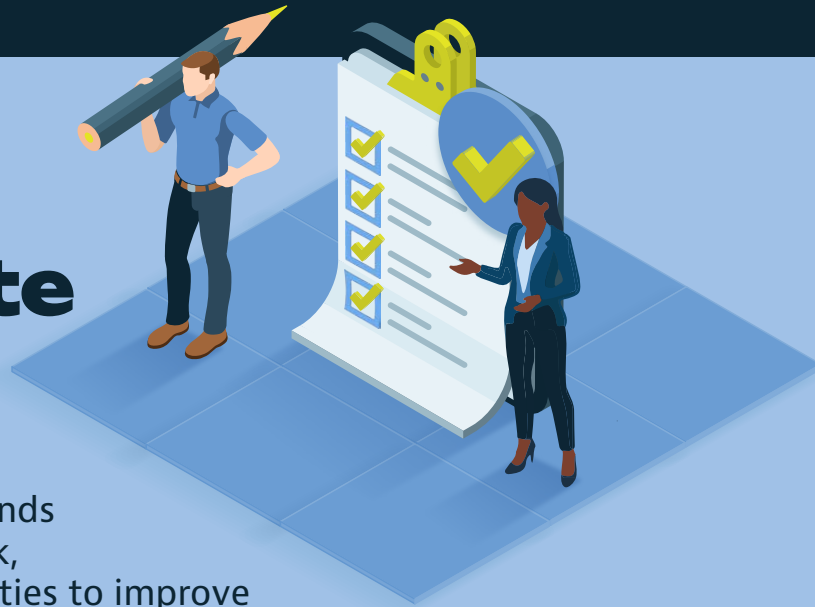


Checklist for privacy dispute resolution



When an individual makes a privacy complaint, how your organisation responds matters. Acting promptly can reduce risk, strengthen trust and uncover opportunities to improve your privacy practices.

Use this checklist to help manage complaints in a structured, fair, accessible and timely way.



Part 1

Lay the foundations – before the complaint

- Check whether your organisation is covered by the *Privacy Act***
- If covered by the Act, ensure relevant staff understand the Australian Privacy Principles (APPs)**
 - Specifically check APP1 (openness and transparency).
- Undertake a privacy impact assessment (PIA) to ensure compliance with APPs**
 - Do this if your organisation is planning a new practice, procedure or system that involves personal information.
- Regularly check your organisation's privacy policy**
 - It should accurately reflect organisational practices and comply with the APPs. Update it as necessary.
 - Use the OAIC's guide to developing an APP privacy policy if you require assistance.
- Check your organisation's website**
 - It should have clear, accessible contact details and a functioning contact form.
 - Also ensure that contact email inboxes are checked regularly.
- Establish a procedure for directing privacy complaints to a nominated staff member (the complaint manager)**
 - They should have appropriate complaint handling training (the complaint manager) within set timeframes.
- Establish a workplace policy outlining these requirements**
 - Visit the Australian Financial Complaints Authority (AFCA) Accessibility and Support webpage for an example.



Part 2

Handle with care – after receiving the complaint

- Always act in a professional, transparent and respectful manner, especially when communicating with the complainant**
 - Throughout the process, your complaint handling and communication should be clear, transparent, fair and efficient.
 - See the [Commonwealth Ombudsman's Better Practice Complaint Handling Guide](#) for more complaint handling tips.
- Check whether the complaint is a privacy complaint**
 - Consider whether it concerns how your organisation has handled the complainant's personal information (or that of someone they are authorised to act for, for example a child).
 - Be aware that a complaint does not need to be explicitly identified as a privacy complaint. If its subject matter relates to privacy, it should be handled under your organisation's privacy complaint procedures.
- Acknowledge the privacy complaint in writing within a set time**
 - For example, by sending an email within 48 hours of receiving the complaint.
 - If not a privacy complaint, follow your organisation's usual complaint handling procedures.
- Analyse the complaint to determine the privacy issue involved**
 - The most common issues are information security, use or disclosure, or access to personal information.
- If necessary, ask the complainant for more information**
 - If you make a verbal request, follow up with a letter or email to confirm your request.
- Clarify the details**
 - Check with the complainant about your understanding of the complaint and the outcome they are seeking.
- Check your organisation's obligations in relation to the type of complaint**
 - For example, collection obligations. The [OAIC website](#) has this information.
- Gather any relevant documents**
 - Ask the complainant for documents to support their complaint.
 - Documents may include receipts, emails, policies and letters.
- Investigate the complaint**
 - Investigation requirements will depend on the complaint, but they may include reviewing key documents, and getting further information from the people involved (including the complainant).
- Evaluate all the information**
 - As part of this, consider questions such as:
 - Did the alleged conduct occur?
 - Which APPs apply?
 - Are there any exceptions or exemptions that apply?
 - Create a written record of your reasoning process and your findings.
- Consider what would be a suitable outcome**
 - To make the decision, ask questions such as:
 - Is an informal resolution appropriate (for example, an apology, changing procedures or improving security)?
 - Are the complainant's expectations reasonable? Would the decision meet those expectations?
 - If you can't agree on an informal resolution, what are the considerations if the complainant [makes a complaint to the OAIC or an external decision review \(EDR\) scheme](#)?
 - Do you have the documentation to justify your process and decision if there is a complaint to the OAIC or an EDR scheme?
- Communicate your decision in writing to the complainant, with reasons**
 - Give the complainant an opportunity to reply and then consider any further information they provide (in which case you may need to provide further written reasons for your decision).
 - Tell the complainant of their options to complain to the OAIC or an EDR scheme if they are dissatisfied.



Part 3

Evaluate and refine – strive to improve

- **Treat the complaint process as an opportunity to improve privacy governance and systems**
 - Update internal documents and systems if required. For example, policies, forms, collection notices and complaint escalation procedures.
 - Consider whether further PIAs are required.
 - Consider whether further staff training is required, for example through the [Society of Consumer Professionals' \(SOCAP\) resources and training modules](#).



- **Maintain a practice of continuous refinements**
 - Keep a written record of improvements (including dates).
 - Regularly evaluate improvements and make further changes as required.
 - Ensure all complaint records (such as the complaint file, investigation record and reasons for the decision) are stored securely and appropriately labelled for easy retrieval.

Trust is built here

A privacy complaint is more than a compliance task. It's a critical trust-building moment. Trust is shaped by how organisations respond: with clarity, fairness, accessibility and accountability.

Good complaint handling delivers real value – reducing escalation, improving confidence and strengthening relationships with customers and the community.



We encourage you to reflect on these tips and make practical improvements in your complaint handling practices, because trust is built here – in every privacy complaint, and every resolution.

For more information go to paw.gov.au

TRUST IS BUILT HERE

- ✓ **In every privacy complaint**
- ✓ **In every resolution**

PRIVACY
AWARENESS WEEK