

# Privacy Statement

## Adjudication application (form 15)

### Important information regarding your privacy

The *Information Privacy Act 2009 (IP Act)* provides a right for individuals to have their personal information collected and handled in accordance with certain rules or 'privacy principles'.

To the extent that this office is exercising its quasi-judicial functions, we are not bound by the IP Act. However, where the IP Act applies, the disclosure of personal information is not in breach of the IP Act if the disclosure "***is authorised or required under a law***".

Department adjudication is conducted pursuant to the *Body Corporate and Community Management Act 1997 (BCCM Act)*. The adjudication process is likely to be a quasi-judicial function and therefore not subject to the IP Act.

In any event, we consider the following provisions of the BCCM Act ***authorise*** or ***require*** the commissioner to disclose the contents of an adjudication application, submission, or reply - which may contain personal information – to the following persons:

- [Section 243](#) provides that the commissioner must provide a copy of the adjudication application to the respondent, the body corporate, and each affected person.
- [Section 244](#) provides that the commissioner must invite an applicant to inspect and reply to any submissions made on the application.
- [Section 246](#) provides that the commissioner must allow an interested person to inspect and obtain copies of the adjudication application, submissions made about the application, or the applicant's reply to submissions.

In addition, [section 269](#) of the BCCM Act provides that when investigating an adjudication application, the adjudicator must observe natural justice and accordingly, an adjudicator ***must*** disclose information to persons if it may affect their rights or interests under the application.

### Providing information to this office

Where you are lodging an adjudication application or making submissions to this office, you are responsible for ensuring any documentation you provide only contains information you are prepared to have shared.

If we request or require you to provide information to us which you do not wish to be disclosed to others, you should bring that to our attention before you provide the information.

### Sharing and publication of adjudicator's orders

An adjudicator may refer to information contained in an adjudication application, submission, or reply in the adjudicator's written reasons for their orders. Adjudicators are required to give a copy of their orders and their written reasons to the parties, body corporate, and any persons who made submissions about the application. Adjudicator's orders and reasons will also be published online on a database that is available to the public.

If a person wants certain information omitted from an order, they should request this in writing as early as possible in the dispute resolution process. The onus is on the person requesting the information be omitted to establish that it is necessary and in the interests of justice to do so.

Please see [Commissioner's Practice Direction 37 – Privacy](#) for more information.

