

# Privacy Statement

## Alternative insurance application (Form 24)

### 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.

Our office considers the following provision of the BCCM Act ***requires*** the commissioner to disclose the contents of an alternative insurance application to the following persons:

- [Section 246](#) provides that the commissioner must allow an interested person to inspect and obtain copies of an alternative insurance application.
- In addition, [section 269](#) of the BCCM Act provides that when investigating an alternative insurance 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

The body corporate is responsible for ensuring any documentation provided only contains information they are prepared to have shared.

If we request or require the body corporate to provide information to us which the body corporate does not wish to be disclosed to others, the body corporate should bring that to our attention before the information is provided.

### Sharing and publication of alternative insurance orders

An adjudicator may refer to information contained within an alternative insurance application in the adjudicator's written reasons for their orders. Adjudicators are required to give a copy of their alternative insurance order and their written reasons to the body corporate. Adjudicator's alternative insurance orders and reasons will also be published online on a database that is available to the public.

If the body corporate wants certain information omitted from an alternative insurance order, they should request this in writing as early as possible in the dispute resolution process. The onus is on the body corporate to establish that it is necessary and in the interests of justice for the information to be omitted.

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

