

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
OFFICE OF THE PRIVACY COMMISSIONER

**Question No. 164**

**Senator Carr asked the following question at the hearing on 31 October 2005:**

The OPC previously provided, in response to a question from Senator Lundy, information on the number of complaints it had received regarding the operation of Residential Tenancy databases (RTDs) between 21 December 2001 and 30 April 2005.

- a) How many complaints have been received regarding the operation of RTDs since 30 April 2005?
- b) Please provide a breakdown for all complaints about RTDs since 21 December 2001, giving the type of complaint (eg tenant, real estate agent, other) and the nature of the complaint (eg lack of access to records, incorrect information not corrected).
- c) Is the OPC involved in ongoing development of national policy/regulation relating to RTDs? Please provide details of any involvement in such processes.

**The answer to the honourable senator's question is as follows:**

- a) 17
- b) The table below provides a breakdown for all complaints about RTDs since 21 December 2001. As the *Privacy Act 1988* only empowers individuals to make complaints, the table reflects complaints that have been made by individuals. There have been approximately 99 complaints about RTDs since 21 December 2001. Because some complaints contain more than one issue the number of issues in the table exceeds the number of complaints received.

Complaint issue	Number
NPP 1.4 - Information improperly collected from a third party	1
NPP 2.1 - Improper use of information (direct marketing)	1
NPP 1.5 - Inadequate notice that information had been collected from a third party	2
NPP 5 - Openness issue	2
NPP 1.3 - 'Bundled consent' was required at time information was collected	3
NPP 1.2 - Unlawful / unfair means of collection used	4
NPP 1.1 - Unnecessary collection of information	5
NPP 2.1 - Improper use of information (generally)	5
NPP 2.1 - Improper disclosure of information	9
NPP 6.1 - Individual refused access to their information	10
NPP 6.4 - Excessive charge for access / fee imposed for requesting access	12
NPP 4 - Data security issues	16
NPP 3 - Data quality (accuracy) issue	58
<b>Total number of issues</b>	<b>128</b>

- c) The Office is represented on the joint Standing Committee of Attorneys General (SCAG)/ Ministerial Council on Consumer Affairs (MCCA) Working Party on this issue