Fact Sheet May 2025

How to make a complaint about the IPC

Who is this information for?

Any person seeking to make a complaint about a request for service or about our staff

Why is this information important?

This fact sheet outlines how to make a complaint if your dissatisfied with a request for service or about the way the IPC has administered its functions, not about the outcome of a privacy or information access review or investigation by one of the Commissioners (or their delegate). There are separate fact sheets explaining your options if you are dissatisfied with a privacy or information access outcome or if you are considering making a public interest disclosure.

The Information and Privacy Commission (IPC) aims to provide a high level of service. If you are dissatisfied with the level of service you have received from our office there are complaint mechanisms for you to use.

Step 1 – Seek to resolve the issue informally

To enable us to deal with your complaint promptly, please raise the issue with the relevant staff member when it occurs. If you are unhappy with their response, ask to speak to their supervisor. The supervisor will listen to your concerns and try to resolve them. If appropriate, the supervisor will escalate the matter internally. If the supervisor is not immediately available, they will contact you by phone or in writing as soon as possible with a view to promptly resolving your issue.

If you still remain dissatisfied, you can make a formal complaint.

Step 2 – Make a formal complaint

You can make a complaint about how we have handled a request for service, your personal information, about our staff or a function we have performed. To make a formal complaint, please write or email us, or you can ask us to help you write it down.

A Complaint about how we have handled your Personal Information will be dealt with as a Privacy Internal Review. The IPC welcomes the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with the IPC informally before lodging a request for an internal review. You can raise your concerns with the IPC by contacting the Privacy Contact Officer.

A Privacy Internal Review must be submitted within 6 months of becoming aware of the conduct that you are complaining about. The internal review will be actioned in accordance with our Privacy Internal Review Guidelines. Applications can be made using this form: Privacy Complaint: Internal Review Application Form. If you are unhappy with the result of the review you have 28 days to apply to the NSW Civil and Administrative Tribunal (NCAT) for a review of the conduct or decision complained about. You may also apply to the NCAT if the IPC has not completed the review within 60 days from when the application was received.

Privacy complaints about a public sector agency, including the IPC, can also be made to the Privacy Commissioner (under section 45 of the *Privacy and Personal Information Protection Act 1998*).

What to include in your letter of complaint

Briefly explain your concerns and include enough information for us to assess your complaint and decide what we will do.

For example, describe what happened and when, who was involved and anything else that is relevant. Include, if appropriate, a summary of the issue we were assisting you with.

Remember to tell us what action you have already taken (such as making an informal complaint) and what you would like to happen. Include copies of all relevant correspondence.

How the IPC deals with formal complaints?

Your complaint will always be dealt with by someone more senior than the person you have complained about. The person who looks into the matter will:

- acknowledge your complaint
- discuss the complaint with the relevant staff member
- if required, escalate the complaint to a manager

- respond to you in writing in the timeframes specified in the relevant policies and guidelines.

If after receiving a response to your formal complaint you are still dissatisfied, we will advise you of your options for external review.

Step 3 – Contact the NSW Ombudsman

If you are dissatisfied with the handling of your complaint by the IPC, you can contact the NSW Ombudsman.

The NSW Ombudsman has responsibility for dealing with complaints about conduct that is illegal, unreasonable, unjust, oppressive, discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.

You can contact the NSW Ombudsman on 1800 451 524 (Toll free) or visit - www.ombo.nsw.gov.au

Independent Commission Against Corruption (ICAC)

If you believe there has been corruption or serious misconduct the Independent Commission Against Corruption (ICAC) has primary responsibility for dealing with complaints about corrupt conduct. Corrupt conduct is intentional or deliberate misdoing, such as a staff member improperly using their knowledge, power or resources for personal gain or the advantage of others.

You can contact ICAC on 1800 463 909 (Toll free) or visit - www.icac.nsw.gov.au

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

NOTE: The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.