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Our reference: E16223:se

Ms Julie Edwards  
[REDACTED]

Dear Ms Edwards

### PRIVACY ENQUIRY

I refer to your correspondence received on 27 July 2009.

The *Privacy Act 1988 (Cth)* (the Act) contains 10 National Privacy Principles (NPPs) which regulate the way many private sector organisations manage people's personal information. **Please be aware that the information provided is only general information and not legal advice.**

The Act does not have specific provisions regarding ownership of personal information. Generally speaking, if an organisation holds your personal information the Act says that you have a general right of access to the information. I have provided further information about this below.

#### The National Privacy Principles (NPPs)

The NPPs apply to:

- all private sector organisations with an annual turnover of more than \$3 million
- all private health service providers
- businesses which trade in personal information without consent, irrespective of turnover.

#### Access – NPP6

NPP 6.1 sets out the general rule that if an organisation holds personal information about an individual, it must provide the individual with access to the information on request by the individual, unless one of the exceptions applies.

It is important to note that while NPP 6.1 requires that an organisation provide you with 'access' it does not necessarily mean copies of files. Access may include allowing the individual to inspect their records, take notes or give them a photocopy or printout. Organisations may charge a fee to provide access, although the Act states the fee must not be excessive.

Please note, NPP6.1 (c) says that an organisation does not have to provide access if providing access would have an unreasonable impact upon the privacy of other individuals. This means the insurance company may be able to decline your request for access if they believe it would have an unreasonable impact on the privacy of the policy owner.

For more information on NPP 6 and Access to information, please see [Information Sheet 4](#).

### **The Complaint Process**

If you believe the insurance company has handled your personal information in a manner that does not comply with the NPPs, you may wish to make a formal complaint with our Office.

- **To do this you would first need to make a written complaint to the organisation directly and give it 30 days to respond.**
- If after 30 days, they do not respond, or if you are not satisfied with the response you receive, you could lodge a complaint with this Office.

Information on our [complaint process](#), and our [complaint form](#), is available on our website.


### **Additional Information**

If you have a complaint about the conduct of the insurance company you may wish to contact the Insurance Ombudsman Service on **1300 780 808**.

You may also want to seek independent legal advice.

I hope this information has been helpful. If you have any further queries please contact the Privacy Enquiries Line on 1300 363 992.

Yours sincerely



Steven Edwards  
Enquiries Officer  
Compliance Section

31 July 2009