

# Privacy Statement

## Application for an order by a referee (BUGTA form)

### 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***".

In relevant cases, an order by a referee may be sought in accordance with the *Building Units and Group Titles Act 1980 (the BUGT Act)*. This 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 BUGT Act **require** the referee to provide notice of the application - which may contain personal information - to the following persons:

- [Section 73\(1\)\(c\)](#) requires a referee to give written notice of an application to the relevant body corporate and any other person who may be affected.

In addition, [section 73A](#) of the BUGT Act provides that when investigating an application for an order, the referee must observe natural justice and accordingly, a referee **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 application for a referee's order 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 referees' orders

A referee may refer to information contained in an application or submission in the referee's written reasons for their orders. Referees are required to give a copy of their orders and their written reasons to the body corporate, the applicant, any person to whom a notice of the application was given, and any person who, by the order, is required to do, or refrain from doing, a specified act. Referees' 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.

