

# Privacy Statement

## Conciliation application (form 22)

### 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 conciliation is conducted pursuant to the *Body Corporate and Community Management Act 1997 (BCCM Act)*. The conciliation 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 BCCM Act **authorise** or **require** a conciliator to disclose the contents of a conciliation application – which may contain personal information – to the following persons:

- [Section 252B](#) provides that the functions of a department conciliator include promoting the parties' open exchange of information relevant to the dispute.
- [Section 252E\(1\)\(a\)](#) provides that the department conciliation session must be conducted in the way the department conciliator considers appropriate.
- [Section 252E\(2\)](#) provides that the department conciliator may accept written material from any person and distribute written material to any person for the purpose of the conciliation.
- [Section 252E\(3\)](#) provides a person who is not a party to the application may attend and take part in the department conciliation session if the department conciliator is satisfied the person may help resolve the dispute.
- [Section 252L](#) provides that a department conciliator must not disclose the information gained in their capacity as a conciliator to anyone else.

### Providing information to this office

Where you are lodging a conciliation application 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.

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

