



# Complainant Satisfaction Survey

November 2021

## Privacy Impact Assessment Report – Contents

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## PRIVACY IMPACT ASSESSMENT

Section 33D of the *Privacy Act 1988* gives the Information Commissioner (Commissioner) a power to direct an agency to provide a Privacy Impact Assessment (PIA) to the Office of Australian Information Commission (OAIC), if the Commissioner considers that a proposed activity or function of the agency might have a significant impact on the privacy of individuals. This includes when the agency proposes to engage in a new activity or function, or substantively change an existing activity or function e.g., a substantive change to the system that delivers an existing function or activity.

### **What is a Privacy Impact Assessment (PIA)?**

A PIA is a systemic assessment of a project that may have privacy implications. It identifies the impact that the project might have on the privacy of individuals and sets out recommendations for managing, minimising or eliminating adverse impacts. This PIA will also consider the broader privacy implications and risks, including whether the planned uses of personal information in the project will be acceptable to the community.

This PIA has been prepared with reference to the Commonwealth Ombudsman's Privacy Impact Assessment Guidelines (attached to the [Privacy Policy](#))

## 1. Describe the Project

### Complainant Satisfaction Survey 2021-2022

The aim of this project is to assess whether the Office is providing an efficient, effective and accessible government and Industry complaint-handling service.

In November 2021, the Contractor on behalf of our Office will conduct a webform and telephone survey of complainants who have had matters finalised by our office. The Contractor will survey complainants to assess their satisfaction with our services and the confidence levels in our independence.

The Contractor will prepare a de-identified report to enable our Office to assess how well we assist the public to resolve issues with agencies and organisations we oversee.

From 23 November 2021 information about the survey explaining the survey process, complainant's right to opt out and expected outcomes will be published through the Commonwealth Ombudsman website.

## 2. Threshold Assessment

- a) Will any personal information be collected? If yes, record a brief description of the personal information that will be collected, used or disclosed (such as name, address, date of birth, health information).

The survey conducted by the contractor will not itself collect new personal information.

The following personal information will be collected from the Office’s Resolve complaint management system and provided (disclosed) to a third party survey contractor:

1. *First and last name (depending on data availability)*
2. *Contact phone number (mobile and landline)*
3. Email Address
4. Postal Address
5. State or Territory
6. Complaint type – (Government agency complaint or industry body complaint)
7. Date complaint received
8. Date complaint finalised
9. Method of complaint finalisation
10. Method of complaint
11. Interpreter
12. Age group
13. Gender

All 13 items will be available to the Contractor’s data analysts in order for them to analyse data based on type of complaint and method of finalisation.

1 and 2 will be the only information provided to the Contractor’s surveyors to conduct the phone survey.

The final report will not include any information that allows an individual to be identified.

- b) Based on the thresh-hold assessment above, a PIA is required to be undertaken.

## 3. Plan the PIA

### General Description

Name of Program: Complainant Satisfaction Survey
Date: Commencing 23 November 2021
Name of Section/Branch: Governance and Communications team
PIA Drafter: Mark Reardon, Director Governance and Communication
Email: <a href="mailto:governance@ombudsman.gov.au">governance@ombudsman.gov.au</a>
Program Manager: Lisa Collett, Chief Operating Officer
Email : <a href="mailto:governance@ombudsman.gov.au">governance@ombudsman.gov.au</a> ;

## 4. Identify and consult with stakeholders

The following key internal stakeholders have been consulted or engaged with in relation to the impact of the project on information privacy:

- The Senior Leadership Group
- The Legal team
- Directors in complaint handling roles
- Members of the Information Communication and Technology Team
- Senior Assistant Ombudsmen with Intake/closure responsibilities

The following external stakeholder has been consulted about information privacy issues:

- The Contractor.

## 5. Map Information Flows

Describe and map the project's personal information flows.

### VERIFICATION

A sample of contact details from complainants whose complaints were finalised from 1 June 2020-30 September 2021 will be drawn by the Business Intelligence team from the Resolve Case Management system.

The Office will do a review and "cleanse" the data prior to sending to the Contractor, to ensure details are limited to the information required for the survey.

Identity verification is required and will be done by the Contractor via confirmation of first or last name and phone number where phone surveys are conducted.

Sample information excluding those who have "opted-out of the survey" "will be provided to the Contractor.

The person calling the complainant in relation to the survey is provided minimal information required to verify complainant identity.

At the time of the phone call from the Contractor, complainants will be provided with the opportunity to 'opt out' of the survey.

### COLLECTION

No new personal data will be collected from complainants.

Personal data regarding the sample complainants will be taken from Resolve by Office staff and provided to the Contractor in a password protected Excel spreadsheet via a secure Microsoft Teams site.

### USE

The Contractor is contractually bound to limit its use of this data to our complainant satisfaction survey, and to manage Personal Information in accordance with the Privacy Act.

The Office will provide information to the Contractor to populate their software program. This information is kept until the survey is completed and the Contractor is contractually obliged to delete the data upon notification from the Office.

The Contractor will provide a de-identified report back to the Office.

## DISCLOSURE

The Office will provide complainant information to the Contractor for the purpose of conducting the survey. Complainant information will not be used for any other purpose.

The Contractor will provide a de-identified report to this Office. The report will not be published but will be used by the Office to assess complainant satisfaction with our complaint-handling services and confidence levels of independence. The report may be required to be disclosed under an FOI application provided such disclosure does not pose a risk to the privacy of individuals; this will be assessed when the FOI is being processed.

The Office will use data about the number of complainants satisfied with our services and our independence to report against two of our performance measures in our Annual Report (1A & 1B) or to other forums as required by Parliament or the Government.

## INFORMATION QUALITY

Information to inform the survey process will be taken from the Office's Resolve complaint management system. The data collection period will be from 1 June 2020- 30 September 2021. Teams involved will ensure personal information is current.

## SECURITY

All information is subject to the contractual requirements relating to security.

The Office will provide data to the Contractor via a password protected Excel file uploaded to a secure Microsoft Teams site. Access to the Microsoft Teams site is restricted to one Contractor and the Assistant Director Governance, Communications and Property. Access to the excel spreadsheet in Objective, is restricted to the Assistant Director and Director of the Governance, Communications and Property Team.

The Office has undertaken a separate PIA in relation to Microsoft Office 365 tools including Teams.

The excel spreadsheet which includes complainants data will not be used for anything other than the Complainant Satisfaction Survey.

The contractor is contractually required to conduct all surveys in-house (ie using staff and not sub-contractors) and to ensure all data remains in Australia.

The Contractor will program the questionnaire and sample into market research survey software. This ensures the person making the call will only know two pieces of information about the complainant they are calling: the complainant's name and their phone number. This simply allows the surveyor to verify they are speaking to the correct person.

Where customer contact or other personal details are provided by a customer, access to this information is restricted to the Contractor's data processing team.

#### **RETENTION AND DESTRUCTION**

Upon written notice from the Office, the Contractor is contractually obligated to destroy or permanently de-identify any Personal Information as soon as practicable after it is no longer required for the purpose for which it was originally collected.

The data stored in Objective will be deleted following completion of the Complainant Satisfaction Survey (expected March/April 2022).

#### **ACCESS AND CORRECTION**

Individuals will not view their personal information prior to it being sent to the Contractor.

If an individual contacted by the Contractor wishes to speak with somebody in relation to the survey or has a complaint about the survey then there are two ways to do this –

1. Provide the Contractor with their name and contact number which they will forward to the Office – we would then contact them
2. Email [governance@ombudsman.gov.au](mailto:governance@ombudsman.gov.au) with their name and contact number.

The Office will advise complainants about the type of personal information sent to the Contractor, and information on our website also provides this information.

## 6. Privacy Impact Analysis and Compliance Check

### PRIVACY IMPACT ANALYSIS

We are satisfied that the privacy outcomes are acceptable in this instance given the controls in place and the value of ascertaining the Offices' service to complainants.

### ENSURING COMPLIANCE

The following table sets out whether the project complies with each of the Australian Privacy Principles (APPs).

#	Description of the privacy principle	Summary of personal information involved, use and process to manage	Assessment of compliance
1	<p><b>Principle 1 – Open and transparent management of personal information</b> Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.</p>	<p>Survey disclosure in place on website, Phone system with opportunity for complainants to “opt out”.</p> <p>A publicly available page on the Office’s website explains why personal information is being collected and how it will be handled.</p> <p>The Contractor has clear process and protocols in place to maintain data security.</p>	<i>Compliant</i>
2	<p><b>Principle 2 – Anonymity and pseudonymity</b> Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.</p>	<p>The complainant can opt-out of the survey and this can be noted in the Resolve complaint management system. If a complainant opts-out then their information will not be sent to the Contractor.</p>	<i>Compliant</i>
3	<p><b>Principle 3 – Collection of solicited personal information</b> Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of sensitive information.</p>	<p>The project itself does not involve the solicitation of new personal information from individuals.</p> <p>The transfer of personal information to the Contractor is reasonably necessary for the purposes of quality assurance and improving the Office’s complaints handling functions.</p>	<i>Compliant</i>
4	<p><b>Principle 4 – Dealing with unsolicited personal information</b> Determine whether or not the agency could have collected the information under APP 3. If not, where it is lawful and reasonable to do so destroy or de-identify the information.</p>	<p>While conducting the survey, the Contractor’s surveyor may receive new personal information. This information may be relevant to the purpose of the project, which as per APP3 is to improve the Office’s complaint handling functions.</p> <p>The new personal information will be limited to the Contractor’s data analysts, will not be provided to the Office, will not be reported on in the Contractors Report, and will be destroyed with the other data once the project is complete.</p>	<i>Compliant</i>



#	Description of the privacy principle	Summary of personal information involved, use and process to manage	Assessment of compliance
5	<p><b>Principle 5 – Notification of the collection of personal information</b>                      Inform the person what information you are collecting, the purpose or use of the information and how they may access or complain about the use of the information. Also inform them if the agency is likely to disclose the information to overseas recipients.</p>	<p>From 23 November 2021 information about the survey will be published through the Commonwealth Ombudsman Website. When the surveyor contacts the complainants, they will be advised of the purpose of the survey and given the opportunity to opt out. Complainants may also opt out when contacted by the Office.</p>	<i>Compliant</i>
6	<p><b>Principle 6 – Use or disclosure of personal information</b>                      Only use or disclose personal information for a purpose for which it was collected (known as the ‘primary purpose’).</p>	<p>The personal information was originally collected by the Office and stored in Resolve for the primary purpose of managing that person’s complaint. It is now being provided to the Contractor for a legitimate secondary purpose which is to improve the complaint handling processes of the Office.</p>	<i>Compliant</i>
7	<p><b>Principle 7 – Direct marketing</b>                      Information not to be disclosed for the purpose of direct marketing unless exceptions apply, e.g., consent.</p>	<p>The survey process will be conducted by an experienced contractor who will strictly adhere to the terms of their engagement. This prohibits any form of marketing.</p>	<i>Compliant</i>
8	<p><b>Principle 8 – Cross-border disclosure of personal information.</b>                      Requirement to ensure overseas recipient does not breach APPs note exceptions apply e.g., information is subject to a law similar to APP’s.</p>	<p>The Contractor is contractually required to retain data within Australia.</p>	<i>Compliant</i>
9	<p><b>Principle 9 – Adoption, use or disclosure of government related identifiers.</b>                      Only assign unique identifiers where permitted. Agency should not disclose identifiers unless permitted.</p>	<p>Information provided will be the minimal viable information (phone number and last name or first name) – this information is not a government related identifier.</p>	<i>N/A</i>
10	<p><b>Principle 10 – Quality of personal information.</b>                      Ensure information is accurate, up to date, complete and relevant prior to using it.</p>	<p>Data will be taken from our Resolve complaint management system which has quality controls in place to ensure quality personal information. Confirmation of identity will occur where complainants are contacted by phone. The survey itself will not collect new personal information.</p>	<i>Complaint</i>

#	Description of the privacy principle	Summary of personal information involved, use and process to manage	Assessment of compliance
11	<p><b>Principle 11 – Security of personal information.</b> Take care of the information and protect it against loss, modification, or unauthorised disclosure and other misuse. When no longer required either destroy or de-identify it.</p>	<p>The personal data is being transferred through a password protected excel file uploaded to a secure Microsoft Teams site which is limited to individual Contractor personnel.</p> <p>The Contractor is contractually required to ensure that the information we provide to it is protected against loss, modification, or unauthorised disclosure and other misuse. The Office has also provided written notice to the Contractor asking that they destroy personal information as soon as practicable.</p>	<i>Compliant</i>
12	<p><b>Principle 12 – Access to personal information</b> People have a right to see their personal information noting exceptions apply, eg FOI exemptions.</p>	Complainants who are concerned about the personal information being provided to the Contractor will be able to get copies of the information.	
13	<p><b>Principle 13 – Correction of personal information</b> Agency must take steps to correct personal information held, ensure information is up to date, accurate, complete and not misleading.</p>	As the personal information is data from the Resolve case management system, its accuracy is reliant on the Office’s existing policies to ensure data is up to date, accurate, complete and not misleading.	

## 7. Privacy Management – Addressing Risks

A risk is something that could lead to the unauthorised collection, use, disclosure or access to personal information.

Risk Mitigation Table					
	Identified Risk	Mitigation Strategy	Likelihood	Impact	Risk Rating
1	Data includes irrelevant personal information	Automated data validation followed by manual validation in the Excel spreadsheet. The Office will “cleanse” data, prior to sending to the Contractor.	Low	High	Medium
2	Personal information is accessed through a cyber-security incident	Data management controls installed in conjunction with ICT team. Provision of data will be managed via a secure Microsoft teams site with only one external contact with access. The Excel document provided with personal details will be password protected.	Low	High	Medium

3	Sample data is inadvertently shared within the Contractor's staff	The Excel document provided to the Contractor with personal details will be password protected, with only limited personnel being provided with the password.	Low	High	Medium
4	Contractor seeks to use the information for marketing or other non-approved purposes	Such use is expressly forbidden under the terms of the contract. The Contractor has been emailed separately pointing out the clauses which govern their use of the data. The Contractor selected will be a reputable firm which will lose government work and may be subject to legal action if they mis-use the data	Low	High	Medium

## 8. Recommendations

Summarise the recommendations to minimise the impact on privacy based on your risk.

Ref	Recommendation	Agreed Y/N
R-01	Contractor will be expressly reminded of the clauses in the contract which require them to manage the personal information in line with Privacy Act and Principles.	Y
R- 02	Data transfer will be via Microsoft Teams with only named Contractor personnel having access to the Teams site.	
R- 03	Excel spreadsheet will be password protected to ensure only those Contract personnel with the password can access it once it is on their systems.	Y
R -04	At the conclusion of the project, the Office will email the Contractor and ask that all data now be destroyed.	Y

PRIVACY IMPACT ASSESSMENT – Complainant Survey 2021

*SIGN OFF* On completion the PIA should be reviewed and signed by the Project Officer and supervising Director. The completed and signed version should be sent to the Privacy Officer, Legal Team via email [legal.team@ombudsman.gov.au](mailto:legal.team@ombudsman.gov.au) Please ensure "Privacy Impact Assessment" is included in the email subject line. The Privacy Officer within the legal team will review the PIA for compliance and refer the PIA for final approval and signature to Rodney Walsh, Privacy Champion.

**Signatures**

Lisa Collett



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Chief Operating Officer

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Signature

22 November 2021