

# Privacy Statement

## Adjudication application (form 15)

### Important information regarding privacy and access to personal information about an individual

Individuals contemplating lodging an adjudication application, submission or reply should be aware that the Commissioner is required to disclose information to other persons in accordance with the following provisions of the *Body Corporate and Community Management Act 1997* ("the Act").

The Commissioner is required under Section 243 of the Act to provide a copy of the adjudication application to the respondent, the body corporate and each affected person.

Under Section 244 of the Act the Commissioner must give written notice to the applicant advising that the applicant may apply to inspect submissions and make a written reply.

Section 246 of the Act further provides that the Commissioner must, on application by an interested person for an adjudication application, allow the person to inspect or obtain copies of the adjudication application, submissions made about the application or the applicant's reply to submissions.

The effect of the above provisions is to **require** the Commissioner to disclose the contents of an adjudication application, submission or reply - which may contain personal information - to specified persons. While the Commissioner is bound by the *Information Privacy Act 2009*, which imposes obligations on Queensland government agencies in respect of the collection, storage, use and disclosure of personal information, disclosure of personal information in accordance with the above provisions does not breach the *Information Privacy Act 2009* as such disclosure "**is authorised or required under a law**".

**Importantly, there is no authority under these legislative provisions for the Commissioner to censor, withhold or otherwise treat as confidential any information provided in an application, submission or reply – this includes any personal information provided.**

A person lodging an adjudication application, submission or reply with this office is therefore responsible for ensuring that the documentation provided contains only information which the person is prepared to have made available to all other parties to the dispute. Information contained in an adjudication application, submission or reply may also be referred to in the adjudicator's decision in the matter. Decisions may be published in a database of decisions that may be made available to the public, including publication to the internet.