

Managing your privacy

AFCA provides fair, free, and independent complaint resolution for consumers and small businesses. We treat all cases as confidential between you, your representative (where appropriate), your financial firm, and us.

Authority to exchange information

When you lodge a complaint with AFCA, we will ask you to give authority for us to exchange relevant information about your complaint between:

- you
- your financial firm
- AFCA
- and where appropriate
- your nominated representative(s)
- another complaint resolution scheme

If the relevant accounts or policies in complaint are held in joint names, we will ask all holders to provide authority.

Providing authority

Depending on how you lodge your complaint, you will be asked to provide your authority:

- at the end of our online complaint form
- in section 11 of our paper complaint form
- over the phone

Information exchange and your right to privacy

Any information you provide to AFCA, including personal information, may be exchanged in the course of resolving your complaint. Sensitive information (see below) will not be exchanged without your consent.

Information you identify as confidential or privileged will be treated in accordance with the AFCA Rules and not exchanged if it would cause you to breach the privacy of another person unrelated to the complaint, to breach a court order, or prejudice a current investigation by a law enforcement agency. ‘Privileged information’ might include documents relating to a private relationship. For example: communication between psychotherapist and patient, doctor and patient, and lawyer and client.

We will let you know if your request to withhold some information will affect our ability to consider your complaint.

When will AFCA exchange information? It is important to note that information about your complaint, including personal and sensitive information, may be exchanged before it has been reviewed by AFCA.

Personal and sensitive information under the Australian Privacy Act (1988)

What is personal information?

The Privacy Act includes 13 Australian Privacy Principles that set out how AFCA will handle personal information. Privacy principles only apply to personal information as defined by the current Privacy Act:

Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

What information is sensitive under the current Privacy Act?

'Sensitive information' is defined in the Privacy Act to mean information or an opinion about an individual's:

- racial or ethnic origin
- political opinions
- criminal record
- religious beliefs or affiliations
- philosophical beliefs
- sexual preferences or practices
- health (including mental health)
- membership of a political association
- membership of a trade union
- membership of a professional or trade association

'Sensitive information', as defined by the Privacy Act, is subject to a higher level of privacy protection than 'personal information', and we therefore ask you only to provide sensitive information if it is relevant to the complaint.

Your right to access personal information held by AFCA

Under the Privacy Act individuals have the right to ask AFCA for access to personal information held on file. The circumstances where we may refuse a request are explained in full in our Privacy Policy (www.afca.org.au/privacy). There are time limits to how long we will keep your personal information on file.

If you would like to ask AFCA to provide access to your personal information, your request must be made in writing to:

The Privacy Manager
Australian Financial Complaints Authority
GPO Box 3, Melbourne VIC 3001
Email: privacy@afca.org.au

When requesting access to personal information, where possible, please provide the relevant file reference to help us find your records.

Requesting access is free

There is no charge to request access to your personal information, or to ask AFCA to correct information in our records that you believe is out of date or wrong.