

Notice of recognition of an EDR scheme

Section 35A(1) of the Privacy Act 1988

1. In accordance with s 35A(1) of the *Privacy Act 1988*, I recognise the Tolling Customer Ombudsman (TCO) as an external dispute resolution (EDR) scheme for the purposes of the *Privacy Act 1988* for a provisional period of 24 months from the date of recognition.
2. In recognising TCO as an EDR scheme for a provisional period I have taken into account the requirements under s 35A(2) of the Privacy Act and the procedural requirements for recognition specified in the 'Guidelines for recognising external dispute resolution schemes under s 35A of the Privacy Act 1988' (the Guidelines).
3. The conditions for the continuing recognition of TCO are set out in the Guidelines, in particular in Part 4. These conditions apply to all recognised EDR schemes.
4. In addition, the continuation of the recognition of the TCO after the provisional period is subject to an independent review of the TCO scheme being completed within the provisional period and the OAIC being satisfied with the conduct of the independent review and the TCO's response to any recommendations.
5. The specified purpose of this recognition, under s35A(1)(b), is that:
'Subject to the governing Tolling Customer Ombudsman Agreements, TCO will receive, investigate, facilitate the resolution of, make decisions and recommendations for, and report on, complaints about acts or practices of TCO members that may be an interference with the privacy of an individual under subsections 13(1) and/or 13(2) of the Privacy Act 1988.'



Timothy Pilgrim
Australian Privacy Commissioner

13 March 2014



Our reference: D2016/001040

Mr Michael Arnold
Tolling Customer Ombudsman
PO Box 7095
Hawthorn North VIC 3122

By email: [REDACTED]

CC: [REDACTED]

Dear Mr Arnold

Application for variation of EDR scheme's condition of recognition under the *Privacy Act 1988*

Thank you for your application requesting a variation to the condition that was attached to the Tolling Customer Ombudsman's (TCO) recognition as an external dispute resolution (EDR) scheme under the *Privacy Act 1988* (the Privacy Act). The condition was that the recognition of TCO as an EDR scheme was granted provisionally for 24 months and that TCO should conduct an independent review of the TCO scheme within that period.

Following review of the information you provided, I am satisfied that the requested condition variation should be granted.

I therefore vary TCO's recognition as an EDR scheme under s 35A(3)(c)(iii) of the Privacy Act to remove the condition that TCO is required to conduct an independent review within 2 years of its original recognition as an EDR scheme (which was effective from 12 March 2014).

However, I note that in accordance with the Office of the Australian Information Commissioner's *Guidelines for recognising EDR resolution schemes*,¹ TCO is required to complete an independent review within 5 years of recognition (see para 4.5 of the Guidelines). Further, if TCO begins receiving an increasing number of privacy-related complaints, I may consider requiring it to undertake an independent review sooner than within the 5 year period.

The Office of the Australian Information Commissioner's website² will be updated to reflect these variations to the conditions for the TCO's scheme recognition.

¹ <www.oaic.gov.au/agencies-and-organisations/advisory-guidelines/guidelines-for-recognising-external-dispute-resolution-schemes>

² <www.oaic.gov.au/privacy-law/privacy-registers/recognised-edr-schemes>

If you have any further questions about this matter, please contact, Ms Este Darin-Cooper, Director, Regulation and Strategy, on (02) 9284 9762 or at Este.Darin-Cooper@oaic.gov.au.

Yours sincerely



Timothy Pilgrim
Timothy Pilgrim
Acting Australian Information Commissioner

1 March 2016