Contents

1. Purpose 3

2. Scope of this document 3

3. How can I give feedback to OVIC? 3

4. What happens when I make a service complaint? 3

5. What if I am not satisfied with how OVIC dealt with my service complaint? 4

5.1. Victorian Inspectorate 4

5.2. Integrity and Oversight Committee 4

5.3. Victorian Ombudsman 5

5.4. Supreme Court of Victoria 5

Document Management Details 6

1. Purpose

This document sets out how the Office of the Victorian Information Commissioner (**OVIC**) deals with service complaints about its staff or processes. It also sets out which external bodies can look into service complaints about OVIC.

1. Scope of this document

This document explains the type of service complaints you can make about the way OVIC dealt with your matter, for example, a delay in OVIC processing your matter, or your interaction with OVIC staff.

This document does not deal with your rights to:

* apply to the Victorian Civil and Administrative Tribunal (**VCAT**) about OVIC’s freedom of information review decision;
* apply to VCAT about a privacy complaint about an organisation if conciliation is unsuccessful;
* make a public interest disclosure to the Independent Broad-based Anti-corruption Commission;
* seek judicial review in the Supreme Court if you think that there is a legal error in an OVIC decision
1. How can I give feedback to OVIC?

All members of the public are encouraged to give feedback to OVIC about the services.

If you are unhappy with OVIC’s service, tell the staff member involved, particularly the actions or behaviour you are unhappy with and the outcome that you seek.

The staff member may:

* apologise;
* provide an explanation; or
* raise the matter with a more senior OVIC staff member who may then contact you.

If you are not comfortable dealing with the staff member involved, or if you are still unhappy after you raised your concern with the staff member, you can also make a service complaint to OVIC’s complaint coordinator.

1. What happens when I make a service complaint?

There is no cost and no prescribed form to make a service complaint to OVIC. However, to help OVIC assess and investigate your complaint, it is useful to tell us:

* if your complaint is about a particular officer, the name of that officer;
* the OVIC reference number you were given for the review, complaint or enquiry you are complaining about;
* your contact details;
* why you are dissatisfied; and
* the outcome you are seek.

You can make a complaint by email to feedback@ovic.vic.gov.au.

You can also write to use or telephone us:

 The Complaint Coordinator

Office of the Victorian Information Commissioner

PO Box 24274

MELBOURNE VIC 3001

(03) 8684 7588

After receiving your complaint, the Complaint Coordinator may refer it to the relevant OVIC manager for response.

Service complaints can be dealt with confidentially at your request. However, this may restrict the Complaint Coordinator’s ability to investigate the complaint. For example, it may not be possible to investigate a complaint without telling the responsible OVIC officer or their manager.

A complaint may also be dealt with anonymously at your request. However, where a complaint cannot be anonymously processed, OVIC will contact the complainant to see if the complainant wants to continue with the complaint or only leave feedback.

OVIC will acknowledge service complaints within 10 working days and will try to resolve them within 30 days.

OVIC will determine what response is required taking into account all relevant factors. The response will depend on the allegations in the complaint and whether the complainant can make a further complaint to an external oversight body. OVIC will usually respond in writing unless that is not appropriate.

OVIC’s Complaints Coordinator cannot deal with a complaint about how an OVIC team has interpreted the *Freedom of Information Act 1982* (Vic) (the **FOI Act**) and the *Privacy and Data Protection Act 2014* (Vic) (the **PDP Act**). Where a complaint relates to an active matter, the Complaints Coordinator may refer the complaint to a manager of the relevant OVIC team to provide a response to you.

Making a service complaint generally cannot reverse a decision that has already been made under the FOI Act or the PDP Act. Rather, possible outcomes may include an apology, disciplinary action against an OVIC employee or process changes.

1. What if I am not satisfied with how OVIC dealt with my service complaint?

If you are not satisfied with the way OVIC dealt with your service complaint, you can contact the Victorian Inspectorate, the Integrity and Oversight Committee of the Victorian Parliament, the Victorian Ombudsman or the Supreme Court about OVIC. You can also approach each of these bodies at any time instead of using the OVIC service complaints process. Each of these bodies deals with specific types of complaints about OVIC.

* 1. Victorian Inspectorate

Established under the *Victorian Inspectorate Act 2011*, the Victorian Inspectorate provides independent oversight of OVIC. The Victorian Inspectorate can receive complaints about the conduct of an OVIC officer about:

* the exercise or purported exercise of OVIC’s coercive powers in relation to any matter; or
* OVIC’s compliance with procedural fairness during investigations or the making of investigation reports.

The Victorian Inspectorate cannot receive complaints about OVIC’s review and complaint functions under the FOI Act and PDP Act

The contact details for the Victorian Inspectorate are:

Address: PO Box 617 Collins Street West, Melbourne VIC 8007

Tel: 03 8614 3225

Email: info@vicinspectorate.vic.gov.au

* 1. Integrity and Oversight Committee

The Integrity and Oversight Committee is a Parliamentary Committee established under the *Parliamentary Committees Act 2003* (Vic). It has power to consider and investigate complaints about the Information Commissioner, Deputy Commissioners and OVIC officers.

The contact details for the Integrity and Oversight Committee are:

Address: Parliament House, Spring Street, East Melbourne VIC 3002

Tel: 03 8683 2835

Email: ioc@parliament.vic.gov.au

* 1. Victorian Ombudsman

Established under the *Ombudsman Act 1973*, the Victorian Ombudsman can investigate complaints about the actions and decisions of OVIC in relation to the PDP Act. The Ombudsman cannot investigate complaints about actions and decisions made under the FOI Act.

The contact details for the Victorian Ombudsman are:

Address: Level 2, 570 Bourke Street, Melbourne VIC 3000

Tel: 03 9613 6222

Online: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

* 1. Supreme Court of Victoria

If you think that there is a legal error in the Information Commissioner’s decision or legal process leading to the decision, you can seek judicial review from the Supreme Court of Victoria. Judicial review is a complex process and we suggest you seek independent legal advice before doing so.

Document Management Details

|  |  |
| --- | --- |
| Title and version number | External Complaints Procedures |
| CM record number |  D20/19111[v2] |
| Policy owner/branch | Office of the Victorian Information Commissioner |
| Date of Information Commissioner approval | 18 October 2018 Revisions approved on 12 October 2020Reviewed by CGC on 12 July 2022 Approved by Information Commissioner on 31 August 2022 |
| Effective date | 18 October, 2018  |
| Review frequency | Annually |