



## Tip Sheet

# Privacy complaints: who can you turn to?

This tip sheet can help you complain about communications privacy issues such as spam emails, telemarketing and privacy breaches. It can also help you to make complaints about privacy issues with social media websites like Facebook and services that track your location, such as Google Maps.

### What is a privacy complaint?

Australian consumers have the right to make complaints about privacy issues. Privacy issues in the communications sector are becoming more common as we share more information online than ever before. These add to existing privacy issues relating to communications such as spam (unwanted emails from companies and organisations), telemarketing calls and the misuse of silent telephone numbers and personal information.

### Where can you go for help?

You can generally make a complaint to any of these three organisations. Click the links for contact details for each organisation:

- [Office of the Australian Information Commissioner](#) (OAIC)
- [Australian Communications and Media Authority](#) (ACMA)
- [Telecommunications Industry Ombudsman](#) (TIO)

### What solution do you want?

While consumers are free to lodge their privacy complaints with whichever organisation they choose, you may need to consider which one will provide the best solution for your problem.

### A fast response

If you want a fast response, consider approaching the TIO (for general privacy complaints) or the ACMA (for spam and telemarketing complaints). Both organisations have a good track record of resolving disputes quickly, and most complaints are resolved in less than 10 days. The OAIC takes an average of six months to resolve a complaint and each stage of the complaints process can be lengthy.

### Compensation or apology

If you are seeking compensation or an apology from a telecommunications or internet provider, you might consider approaching the OAIC or the TIO. The ACMA does not usually incorporate compensation or apologies into their outcomes.

[Australian Communications Consumer Action Network \(ACCAN\)](#)  
*Australia's peak body representing communications consumers*

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PO Box 639, Broadway NSW 2007

Tel: (02) 9288 4000 | Fax: (02) 9288 4019 | [accan.org.au](http://accan.org.au) | via the [NRS](#)

## Enforcement and public warnings

If you are seeking enforcement action or a public warning about your complaint, consider approaching the ACMA. The ACMA can name companies that have breached privacy, give fines or impose sanctions.

## Which organisation should I complain to?

There are significant differences in complaint resolution times, solutions and compensation available to you depending on who you lodge a complaint with. Each organisation has a slightly different focus area. If the organisation you contact cannot help you, they may refer you to one of the other organisations. Below is some information on the types of privacy complaints that each organisation handles.

OAIC	ACMA	TIO
<p>Can accept any privacy complaint against a private company, except for small businesses.</p> <p>Examples include internet privacy complaints, security breaches and misuse of personal information.</p> <p>They refer most complaints about spam or telemarketing to the ACMA.</p>	<p>Handles any complaints about spam, complaints about the Do Not Call Register, most complaints about telemarketing conduct and some about the use of public and silent telephone numbers.</p>	<p>The TIO can only accept privacy complaints against telecommunications providers and internet service providers. The TIO recommends you try to resolve the issue first with the company in question.</p> <p>Complaints can be on any privacy issue.</p>