

Case 42 2 (Complaint ground: 42 1)  
Contact Cl L  
7 July 2017



Mr [redacted]  
By email: [redacted]@yahoo.co

Dear Mr [redacted]

**Complaint against the Health and Disability Commissioner  
Request for phone log  
Referral to the Privacy Commissioner**

I refer to my letter of 30 May 2017, advising that this matter had been referred to the Privacy Commissioner, and your emails in response dated 6, 17 and 27 June 2017.

I have reviewed your emails and attachments but will not be taking any further action in response. As you are aware the phone log at issue is personal information about you. As such, any complaint in relation to the phone log falls to be determined by the Privacy Commissioner under the Privacy Act 1993. An Ombudsman does not have jurisdiction to consider complaints about inaccuracies in personal information about individuals or delays in responding to requests for such information. You have specifically referred to Mr [redacted] L [redacted]'s conduct as the author of the phone log and have suggested a separate investigation by the Ombudsman is required. You are of the view that Mr [redacted] falsified the phone log and then deliberately withheld it from you. Again this is a matter to be considered by the Privacy Commissioner under the Privacy Act.

I understand you take issue with the response you have received from the Office of the Privacy Commissioner (OPC), which is that the matter does not merit investigation, and that you are currently pursuing those issues directly with that Office. I note your request that copies of your correspondence to this Office regarding the phone log be forwarded to the OPC. I confirm that documents relevant to your complaint about the phone log were forwarded to the OPC at the time of the referral on 30 May 2017. Should you wish the OPC to have copies of any correspondence you have prepared subsequent to that date, then you will need to write directly to the OPC.

You have expressed a concern that HDC's record keeping was of a poor standard and failed to adequately reflect your dealings with it in relation to your complaints. Under section 17 of the Public Records Act 2005 every public office must create and maintain full and accurate records of its affairs in accordance with normal, prudent business practice. Should you be of the view that HDC failed in its obligations under the Public Records Act, you are free to raise these matters with the Chief Archivist as set out in my earlier letter.

I am sorry that we cannot assist you with this further and therefore do not propose to enter into further correspondence with you regarding these matters. Any future correspondence from you regarding HDC's phone log of 9 August 2011 will be read and placed on file but not responded to unless it raises new and separate issues.

Yours sincerely

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Manager: Investigations and Resolution, Auckland Office