

Who We Are - Ko wai mātou

The Privacy Commissioner is an independent Crown entity established under the Privacy Act 2020 as New Zealand's privacy regulator with an economy-wide focus.

Our purpose is to ensure privacy is a core focus for agencies in order to protect the privacy of individuals, enable agencies to achieve their own objectives, and safeguard a free and democratic society.

We advocate and advise on matters relating to privacy, examine new legislation and initiatives for impacts on privacy, undertake independent inquiries into privacy issues, investigate and conciliate complaints about alleged breaches of privacy, and have a compliance and enforcement function. The Commissioner also has due regard for the protection of important human rights and social interests that compete with privacy, and of international obligations accepted by New Zealand.

Our system outcomes

- Individuals are more confident that their privacy is protected.
- Agencies can better achieve their own objectives through respecting the privacy rights of New Zealanders.
- The right to privacy and the protection of personal information is valued in New Zealand.

Our values



Our objectives

- We work in partnership with Māori to take a te ao Māori perspective on privacy.
- We engage and empower people and communities who are more vulnerable to serious privacy harm.
- We set clear expectations to provide agencies with greater certainty about their responsibilities.
- We promptly use our full range of investigation and compliance powers to hold agencies accountable for serious privacy harm.

Position Title:	Investigator, Investigations and Dispute Resolution
Reports to:	Manager, Investigations and Dispute Resolution (MIDR)
Location:	Auckland or Wellington
Date Issued/Reviewed:	May 2025

Role Purpose - Ko te aronga o te tūranga

The purpose of this position is to assist the Privacy Commissioner to achieve the objectives of the Commissioner's Office, with particular reference to Part 5 of the Privacy Act 2020, which deal with the investigation and resolution of complaints.

Principal Accountabilities - Takohanga matua

Key Function	Accountabilities
Investigation of complaints	<ul style="list-style-type: none"> To investigate alleged breaches of the Privacy Act 2020 and related <u>Codes of practice</u>. To undertake careful, well-judged and sensitive inquiries to clarify the issues and establish the relevant facts of any case. To effectively analyse and apply the law to the facts of individual complaints. To facilitate the settlement of complaints by the use of alternative dispute mechanisms wherever they would be more effective (e.g. by the use of early resolution techniques or conciliation) – to be undertaken in consultation with the MIDR. To draft objective, well-reasoned legal opinions. To keep the MIDR well informed of the status of complaints. To prepare reports and recommendations on complaints and investigations, as required.
Enquiries	<ul style="list-style-type: none"> To respond to enquiries from members of the public about their privacy rights, and from public or private sector organisations about their privacy obligations, in accordance with the processes and procedures of the Commissioner's Office for the handling of public enquiries and/or as directed by the MIDR. To apply a pragmatic and results-oriented approach to handling enquiries that encourages, facilitates and equips enquirers towards self-resolution, wherever practicable. To respond to enquiries (through any medium, though mostly phone and email) in a manner that is well-informed and factually accurate, independent and neutral. To correctly redirect or refer enquirers to other agencies and/or to the Commissioner's other staff for follow up, as required. To reflect the culture and values of the Commissioner's Office at all times, recognising that enquiries is a front-line function that represents the public face of the Commissioner.

Key Function	Accountabilities
Supplementary tasks	<ul style="list-style-type: none"> • To undertake or assist with specific research or policy advice work, as may be required from time to time, for example: <ul style="list-style-type: none"> – Advice about the privacy implications of draft or existing legislation, proposed or current government policy, non-government proposals, and business or other developments which might have an impact on the privacy of the individual; – Preparation of reports, papers or submissions to support policy positions taken by the Commissioner; – Research into, or the monitoring of, privacy and related developments in New Zealand and overseas. • To help undertake investigations and inquiries initiated by the Privacy Commissioner into any matter, including any enactment or law, or any practice, or procedure, whether governmental or non-governmental, or any technical development, if it appears to the Commissioner that the privacy of the individual is being, or may be, infringed. • To assist the General Counsel (GC) with litigation in the Human Rights Review Tribunal (or courts), including preparation of documents and submissions, and appearing before the Human Rights Review Tribunal as led by the GC. • To undertake or assist with ad hoc or one-off special projects undertaken by the Commissioner, typically on a cross-functional basis, into any privacy related issue or to improve any aspect of the Commissioner's operations. • To undertake consultations with the Office of the Ombudsman as required.
Outreach and Communications	<ul style="list-style-type: none"> • To deliver education seminars/workshops, as may be required from time to time. • To assist with the development of education and public information material such as case notes and guidance for the Commissioner's website.
General	<ul style="list-style-type: none"> • To undertake or assist with such other functions of the Commissioner as may be requested by the Deputy Commissioner/ Assistant Commissioner Compliance, Capability and Resolution (ACCCR) or Privacy Commissioner from time to time. • To comply with any code of conduct, policy, practice or procedure as may be adopted by the Commissioner's Office. • To undertake the accountabilities of the position to the standards of quality and timeliness as prescribed by the MIDR, ACCCR, or Commissioner. • To alert the MIDR or ACCCR in a timely manner to any significant issue that might adversely impact the progress of any investigation or other work, or may be of wider significance or concern to the Commissioner's Office. • To seek the prior approval of the MIDR or GC before applying any new interpretation of the law, or departing from approved policy or practice. • To create and maintain accurate and up-to-date records of all investigations and other work.

Key Function	Accountabilities
	<ul style="list-style-type: none"> To develop a thorough knowledge of the Privacy Act 2020 and other acts, regulations, codes, policies and procedures affecting the functions and work of the Commissioner. To manage relationships with complainants, respondents and their representatives, and other external stakeholders in a manner that reflects a responsive, timely and professional service by the Commissioner's Office. To maintain productive working relationships with all the Commissioner's staff, including the senior leadership team, and to contribute as a team member to the wider objectives of the Commissioner's Office.
Health, Safety and Wellbeing	<ul style="list-style-type: none"> Comply with all reasonable instructions regarding wellbeing, health and safety policies and processes and the Health and Safety at Work Act 2015. Take reasonable care to ensure that in the performance of their employment they do not undermine their own wellbeing, health and safety or that of any other person. Work in a safe and responsible manner, ensuring incidents, accidents, hazards or near misses are promptly reported. Seek assistance without delay from your manager, HR or EAP if wellbeing at work is compromised to a level of personal concern.

Working Relationships

Internal	<ul style="list-style-type: none"> Manager, Investigations and Dispute Resolution Deputy Commissioner/ Assistant Commissioner, Compliance, Capability and Resolution General Counsel Team of Principal Investigators, Senior Investigators, Investigators, and Assistant Investigators Other members of the Compliance, Capability and Resolution group Legal, Communications, and Corporate Services teams Privacy Commissioner, members of the senior leadership team and other staff, as required
External	<ul style="list-style-type: none"> Respondents and complainants across a wide range of both public and private sector agencies Users of the Office's public enquiries service Privacy Officers in other agencies and organisations

Delegations

Human Resources	Nil
Financial	Nil
Limits on Authority	<ul style="list-style-type: none">• No statement is to be issued to the news media or any information released to the general public without the prior approval of the Privacy Commissioner.• Any significant departure from approved or accepted work practice or procedure is first to be discussed and agreed with the General Manager or Privacy Commissioner.• There is no authority to enter into any ongoing contract that may in any way be binding on the Privacy Commissioner, without the prior approval of the Commissioner or the General Manager. The booking of venues, travel or accommodation must be in accordance with the policies, practices and procedures of the Commissioner's Office.

Experience, Skills and Competencies - Wheako, Pūkenga me ngā Āheitanga

Qualifications and Experience

The Investigator, Investigations and Dispute Resolution will generally require a tertiary qualification or relevant experience in a legal or related role. This may include experience in a similar regulatory position or one involving the interpretation and application of legislation and legal principles. Experience in undertaking comprehensive research or investigative work, negotiation and problem-solving, mediating disputes, the use of alternative dispute mechanisms and/or in drafting complex legal opinions, would be an advantage.

The Investigator, Investigations and Dispute Resolution must be able to deliver a timely and high-quality service that is results-oriented, well-informed and factually accurate, user-friendly and professional. The position requires excellent communication skills, both oral and in writing, and the ability to relate effectively to a wide cross-section of the general public. The Investigator must be able to work independently and be self-managing yet be a strong team player. The position also requires the maturity, resilience, confidence and inter-personal skills to deal with sometimes abusive, threatening or distressed enquirers.

The position requires strong analytical skills and sound judgement. It carries its own caseload and other work programme and requires therefore the ability to manage competing priorities, and a results-oriented approach to work. The Investigator, Investigations and Dispute Resolution must be able to work independently and be largely self-managing, yet be a strong team player. The position demands a high degree of personal integrity and insight, and a commitment to upholding the principles of individual privacy. An inquiring mind is essential, as is an understanding of government and business systems and processes, and experience with, or a keen interest in, privacy law.

Key Competencies

NB: The competencies identified below are mapped against the five core values of the Commissioner's Office, expressed as follows:

- **Respect / Whakaaro nui** – for all the people we deal with, and for viewpoints that differ from our own
- **Integrity / Ngākau tapatahi** – we are honest, fair and transparent in our work
- **Independence / Motuhaketanga** – we operate impartially and without political or personal bias
- **Innovation / Auahatanga** – we value innovation, creativity and a culture of continuous improvement
- **Excellence/ Hiranga** – we strive for best professional practice and leadership in our field

Competency	OPC Values	Description of skilled behaviours
Alternative Dispute Resolution Skills	Respect Innovation Excellence	<ul style="list-style-type: none"> • Uses appropriate dispute resolution mechanisms to help resolve conflict and settle disputes e.g. mediation, conciliation, negotiation and compulsory conferences; and • Helps facilitate settlement between opposing parties in a manner that is respectful of the rights of all parties.
Analytical Skills	Innovation Excellence	<ul style="list-style-type: none"> • Applies intellectual rigour to researching and analysing complex issues systematically and comprehensively; and • Provides robust, well thought out conclusions supported by relevant data.
Professionalism	Respect Integrity Independence	<ul style="list-style-type: none"> • Displays highest standards of personal integrity, honesty and conduct; • Exercises discretion at all times, particularly in dealing with sensitive or confidential material; • Develops and maintains constructive working relationships with internal and external stakeholders; and • Uses language and has a demeanour and personal presentation that reflects a professional outlook.
Communication Skills	Respect Integrity Excellence	<ul style="list-style-type: none"> • Communicates clearly, concisely and in plain English, both orally and in writing, and is an active listener; • Delivers presentations effectively and can use a range of presentation methods and media; and • Negotiates effectively and can achieve co-operation and agreement where there are conflicting objectives.
Technology Skills	Innovation Excellence	<ul style="list-style-type: none"> • Competently uses equipment and software to produce own work, and is proficient with the Microsoft Office suite of applications and such other

Competency	OPC Values	Description of skilled behaviours
		<p>software or information technology tools as are required for the role; and</p> <ul style="list-style-type: none"> Adopts and adapts to new technologies readily.
Self-management	Innovation Excellence	<ul style="list-style-type: none"> Works independently and is largely self-managing, yet is also a strong team player; Self-motivated and self-driven, understands and accepts responsibility for own performance requirements; Plans, organises and prioritises work effectively, is motivated to find solutions to problems, and is results-driven; Maintains and enhances knowledge by actively keeping up-to-date with developments; Participates actively in training and development opportunities; Completes work in a timely manner and follows through with commitments; and Sets and maintains high standards of performance.
Teamwork	Respect Innovation Excellence	<ul style="list-style-type: none"> Works as a team member and demonstrates collegiality through knowledge sharing and excellent work relationships; Relates to a wide variety of people, both within the Office and externally, in a positive and helpful manner; and Supports group decisions and puts group goals ahead of own goals.
Innovation and Adaptability	Innovation Excellence	<ul style="list-style-type: none"> Displays a positive attitude to change, adapts readily, and initiates changes as required; Effectively manages competing priorities; Generates ideas for improvement, takes advantage of opportunities and suggests innovations; and As with all other staff, undertakes such other duties and responsibilities as the Commissioner may reasonably request from time to time.