

ASIA PACIFIC PRIVACY AUTHORITIES FORUM

STATEMENT OF COMMON ADMINISTRATIVE PRACTICE

CASE NOTE CITATION

Adopted: 24th APPA meeting, Melbourne, Australia, 17 November 2005

Abstract: This statement outlines agreed elements of a system for citing reports of complaints handled by privacy authorities. The citation system seeks to maximise the collective regional benefits of individual report series published by particular privacy authorities by making it easier to clearly identify and refer to reported cases.

Special terms used: “Case note” is intended to encompass any report outlining the outcome of an investigation, conciliation or determination of a complaint that is contained in a series of reports released by a privacy authority.

Background information: Graham Greenleaf, “Reporting Privacy Complaints Part 1: A Proposal for Systematic Reporting of Complaints in Asia-Pacific Jurisdictions” 9/3 *Privacy Law & Policy Reporter* 41-48, available on-line at www.austlii.edu.au/au/journals/PLPR/2002/30.html.

Statement on citation of case notes

Many privacy authorities issue instructive case notes on a selection of complaints that have been handled. It is desirable that all those who wish to refer to a case note can do so by an official citation that unambiguously refers to the same note and has an accepted designator for the privacy authority or other body publishing the report.

APPA particularly wishes to encourage good citation systems given the clear benefit to privacy authorities in the region in the ability to cite reports from other offices. Others engaged in interpreting and applying privacy law will similarly benefit.

It is agreed that all case notes should be issued with a citation including the following elements:

- A descriptor of the case
- The year of publication
- A standard abbreviation for the privacy authority
- A sequential number.

Some variety exists in case descriptors currently used by privacy authorities in the region. This diversity is compatible with this statement of common administrative practice. Current approaches include:

- *Australia and Victoria:* reference to complainant by letter of the alphabet and respondent through a general description (e.g. J v Superannuation Provider [2005] PrivCmrA 7)

- *New South Wales*: reference to complainant by letters followed by respondent department's name (e.g. *KJ v Wentworth Area Health Service* [2004] NSWPrivCmr 7)
- *New Zealand, Korea and Hong Kong*: a short generalised characterisation of the complaint (e.g. Mobile telecom company provided the details of telephone conversation of a customer to a third party without her consent [2004] KRPIDMC 4); New Zealand and Hong Kong citations add an internal reference number e.g. Man upset that employer disclosed epilepsy to other employees (Case Note 16723) [2003] NZPrivCmr 11).

The year of the note appears in brackets, followed by the abbreviation of the issuing authority and the sequential case note number.

The following abbreviations have been adopted for APPA participants:

- HKPrivCmr – Hong Kong Privacy Commissioner for Personal Data
- KRPIDMC – Korean Personal Information Dispute Mediation Committee
- NSWPrivCmr - New South Wales Privacy Commissioner
- NTICmr – Northern Territory Information Commissioner
- NZPrivCmr - New Zealand Privacy Commissioner
- PrivCmrA – Privacy Commissioner of Australia
- VPrivCmr – Victorian Privacy Commissioner