

Who We Are

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

The main purpose of the Act is to promote and protect individual privacy. The Privacy Commissioner advocates and advises on matters relating to privacy; promotes understanding of the privacy principles; examines new legislation for impacts on privacy; undertakes independent inquiries into privacy issues; investigates and conciliates complaints about alleged breaches of privacy; develops privacy codes of practice; assesses and monitors data matching and information sharing programmes; and has a compliance and enforcement function.

The Commissioner 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.

The Privacy Commissioner's office has as its mission:

"To be an effective and modern privacy regulator in promoting and protecting individual privacy in New Zealand."

VALUES

Respect

for all the people we deal with,
and for viewpoints that differ from our own

Integrity

we are honest, fair
and transparent in our work

Independence

we operate impartially and
without political or personal bias

Innovation

we value innovation, creativity and
a culture of continuous improvement

Excellence

we strive for best professional practice
and leadership in our field



The Role

Position Title:	Senior Investigator, Investigations and Dispute Resolution (SI)
Reports to:	Manager, Investigations and Dispute Resolution (MIDR)
Location:	Wellington
Date Issued/Reviewed:	July 2021

Role Purpose

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

Principal Accountabilities

Key Function	Accountabilities
Team Leadership (in support of MIDR)	<ul style="list-style-type: none"> • To model best practice in investigating and settling complaints. • To help train, coach and mentor less experienced staff and build on the investigations and dispute resolution expertise and capacity in the Commissioner's office. • To provide constructive and well-judged peer review support for other members of the team. • To provide a first point of escalation for Investigators and other team members (in consultation with their respective SI, if they are already reporting to one). • To otherwise assist the MIDR with the leadership and management of the Investigations and Dispute Resolution team by undertaking a range of other functions, as may be directed by the MIDR and/or as circumstances require, including but not limited to: <ul style="list-style-type: none"> – Triaging incoming correspondence; – Allocation of complaints to team members; – Reviewing "pinks" (preliminary assessments of complaints); – Overseeing complaint files of non-Investigations staff; – Managing correspondence with the Office of the Ombudsman or other designated agency; – Managing individual agency/sector portfolios; – Reporting on the team's performance, including against its key performance indicators; – Planning business strategies and goals; – Identifying systemic/policy issues and possible solutions; – Designing, implementing and/or reviewing systems, processes and procedures to support business strategies and goals.

Key Function	Accountabilities
Investigation of complaints	<ul style="list-style-type: none"> • To investigate alleged breaches of the Privacy Act, especially complaints that are highly complex or sensitive, and/or have wider implications for the Commissioner's office. • 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 effective use of appropriate alternative dispute mechanisms (e.g. mediation and compulsory conferences), with minimal supervision. • To draft objective, well-reasoned opinions. • To keep the MIDR well informed of the status of complaints. • To prepare reports and recommendations on complaints and investigations, as required.
Policy Advice, Litigation and Special Projects	<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 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 General Counsel. • 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 Ombudsman consultations as required.
Outreach and Communications	<ul style="list-style-type: none"> • To represent the Commissioner's office at key external forums, as may be required from time to time • To help develop and maintain relationships with key external stakeholder agencies and groups to further the wider interests of the Commissioner's office • To deliver education seminars/workshops, as required • To assist with the development of education and public information material such as case notes and (blog) articles for the Commissioner's website. • To help provide a public enquiry service.

Key Function	Accountabilities
General	<ul style="list-style-type: none"> • To undertake or assist with such other functions of the Commissioner as may be requested by the MIDR, Assistant Commissioner (Policy and Operations), or 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, Assistant Commissioner (Policy and Operations), or Commissioner. • To alert the MIDR or Assistant Commissioner (Policy and Operations) 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 Assistant Commissioner (Policy and Operations) 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. • To develop and maintain a high level knowledge of the Privacy Act 2020; other relevant acts, regulations and codes; alternative dispute resolution techniques, and 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 contribute to the wider objectives of the Commissioner's office.

Working Relationships

Internal	<ul style="list-style-type: none"> • Manager, Investigations and Dispute Resolution • Assistant Commissioner, Policy and Operations • Investigations team (Senior Investigators, Investigators and Assistant Investigators) • General Counsel • Other members of the Policy and Operations team • 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 entities • Users of the office's public enquiries service • Privacy officers in other agencies and organisations • Relevant contacts in key external stakeholder agencies and groups

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

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

The SI must have excellent communication skills, both oral and written, and be able to relate to a wide variety of people in a positive and helpful manner. 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 SI 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 an advantage, as is an understanding of government and business systems and processes, and experience with, or a keen interest in, privacy law.

Key Competencies

The competencies identified below are mapped against the 5 core values of the Commissioner's office, expressed as follows:

- **Respect** – *for all the people we deal with, and for viewpoints that differ from our own*
- **Integrity** – *we are honest, fair and transparent in our work*
- **Independence** – *we operate impartially and without political or personal bias*
- **Innovation** – *we value innovation, creativity and a culture of continuous improvement*
- **Excellence** – *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 software or information technology tools as are required for the role; and • 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;

Competency	OPC Values	Description of skilled behaviours
		<ul style="list-style-type: none"> • 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.