

17 April 2020

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #19.157 - Commission Policies

1. We refer to your request received on 18 March 2020 for the following information:
 - 1.1 guidance on the best format to arrange a report to the Commerce Commission (Commission) to ensure speedy, informed and accurate analysis and alignment to the Commission's current procedure and policy; and
 - 1.2 current policies and procedures of the Commission in consideration of current legislative and executive controls.
2. On 3 April 2020, we provided guidance on how to submit a report to the Commission and information about this process. We also provided guidance on how to request information (including policies) from the Commission.
3. In response, on 3 April 2020, you made a request under the Official Information Act 1982 (OIA) for all major organ policy and procedure that relates to the governance of operations of the Commission.
4. On 6 April 2020, we asked you to clarify your request and whether you are seeking information about the Commission's current policies and procedures around COVID-19.
5. In response, on 6 April 2020, you advised:
 - 5.1 you are not seeking information about the Commission's current policies and procedures around COVID-19; and
 - 5.2 you are seeking any internal executive procedures in the Commission that relate to the distribution and collation of policies and procedures that the Commission holds that align to enacted legislation, created for the purpose of efficiency of operations of the Commission.

6. On 7 April 2020, we confirmed that the Commission does not have any policies or procedures which fall within the category you had described.
7. We said we would like to be sure that we had entirely understood your request and asked you to clarify whether you are seeking policies and procedures which would assist you to submit a report to the Commission, and if there is any other particular information you are looking for. We advised we are happy to help you formulate a request, if that would be of assistance.
8. In response, on 7 April 2020, you advised:
 - 8.1 you are seeking guidance on the best format to arrange a report to ensure speedy, informed and accurate analysis and alignment to the Commission's current procedure and policy;
 - 8.2 to ensure compatibility in practices you are looking for a suitable format or procedure of submission; and
 - 8.3 your inquiry is more of administration, current procedure practices and processes of the Commission.

Making a Complaint

9. You can make a complaint to the Commission online, by email or by telephone.
10. If you wish to make a complaint online, you can do so on our website here: <https://comcom.govt.nz/make-a-complaint>.
11. If you wish to make a complaint by email, you can send to contact@comcom.govt.nz.
12. If you wish to make a complaint by telephone, you can call 0800 946 600.
13. You can find information about our complaint process on our website here: <https://comcom.govt.nz/make-a-complaint/complaint-process>.

The Commission's complaints screening process

14. To assist you in formatting a complaint, we have outlined the Commission's complaint screening process below.
15. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
16. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Enquiries Team on the basis of the information available at the time. When conducting this initial assessment, the Enquiries Team considers:

- 16.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 16.2 the Commission's Enforcement Response Guidelines,¹ and;
 - 16.3 the Commission's strategic priorities and resourcing constraints.
- 17. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
 - 18. If a report is deemed to meet certain criteria, it is reviewed by a panel of managers and subject matter experts from within the Competition Branch. The panel decides which reports are to be prioritised for further consideration by the Branch.
 - 19. This process enables us to identify reports that best reflect our current enforcement priorities.² The outcomes of the process are not final and we may revisit any report at a later stage, should we wish to reconsider the issues it presents.

Further information

- 20. You can find further information about the Commission's complaints process in the Official Information Act register on our website,³ under OIA 19.127.⁴ This includes:
 - 20.1 our Flow Diagram for handling incoming reports;
 - 20.2 from the Enquiries Team Reference Guide,⁵ the sections on:
 - 20.2.1 what a good report looks like and performing a screening assessment;
 - 20.2.2 what is screening;
 - 20.3 from the Enquiries Officer Desk File, the sections on:
 - 20.3.1 logging and assessing new complaints;
 - 20.3.2 screening assessments; and
 - 20.3.3 weekly Competition Branch screening meeting.

¹ <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² <https://comcom.govt.nz/about-us/our-priorities>

³ <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>

⁴ https://comcom.govt.nz/_data/assets/pdf_file/0019/213058/OIA-19.127-Complaint-Process-Response-letter-redacted-12-March-2020.pdf

⁵ The Enquiries Team Reference guide is given to new members of the Enquiries Team. It contains general information on the legislation the Commission enforces, operational procedures (e.g. time recording, using translation services) and the assessment and screening process.

21. Please note the Commission will be publishing this response to your request in the Official Information Act register on our website. Your personal details will be redacted from the published response.
22. Please do not hesitate to contact us at oiia@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard

OIA Coordinator

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