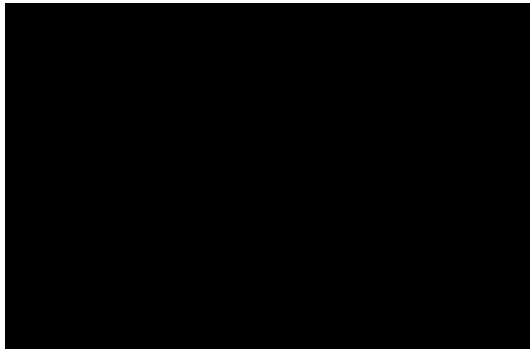


14 February 2022



Official Information Act #21.118 – Non-Rosier Park Complaints Details

1. We refer to your request received on 28 January 2022 for information about details of three non-Rosier Park complaints that the Commerce Commission (**Commission**) had received since 22 January 2020.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. We have decided to decline your request.

The Commission's complaint screening process

4. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
5. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Screening and Enquiries Team on the basis of the information available at the time. When conducting this initial assessment, the Screening and Enquiries Team considers:
 - 5.1 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);

- 5.2 the Commission's Enforcement Response Guidelines,¹ and;
- 5.3 the Commission's strategic priorities and resourcing constraints.
- 6. 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.
- 7. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.²
- 8. This process enables us to identify complaints that best reflect our current enforcement priorities.³ The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

Complaint status

- 9. As at 4 February 2022, the Commission had received five non-Rosier Park complaints since January 2020. However, we are unable to provide the details of these complaints as they are yet to be assessed and screened by our enquiries team.
- 10. For this reason, we have decided to withhold the complaint details under section 6(c) of the OIA as release at this time would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
- 11. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
- 12. Please note the Commission will be publishing this response to your request on its website.
- 13. Please do not hesitate to contact us at oya@comcom.govt.nz if you have any questions about this request.

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

² Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

³ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Murray', with a long, sweeping horizontal stroke extending to the right.

Alexandra Murray
OIA and Information Coordinator

Released Under Official Information Act 1982