

9 November 2023



### **Official Information Act #23.095 – Response**

1. We refer to your request received on 1 November 2023 for information about My Iron On Transfers NZ (My Iron On Transfers). You would like to know if the Commerce Commission (the Commission) has received any complaints regarding the My Iron On Transfers business.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### **Our response**

3. We have searched our database for relevant complaints and can advise that the Commission has received four complaints about My Iron On Transfers in the period 1 May 2021 to 1 November 2023, including your complaint, ENQ0586775, received on 1 November 2023.
4. Please note:
  - 4.1 The Commission's current database was implemented in 2017. At the time of implementation, complaints records from 1 January 2012 onwards were transferred to our current database.
  - 4.2 Limited complaint records from before 2012 were transferred to the current database. These do not reflect a complete picture of the complaints received by the Commission before 2012.
  - 4.3 Other than the complaint records transferred to the current database, we are not able to access complaint records from our previous database(s).

### *The Commission's complaint process*

5. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Screening and Analysis 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;<sup>1</sup> 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.<sup>2</sup>
8. This process enables us to identify complaints that best reflect our current enforcement priorities.<sup>3</sup> 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.
9. At this stage, the Commission has decided to take no further action (NFA)<sup>4</sup> in relation to two of the complaints and two other complaints, including your complaint, ENQ0586775, are awaiting assessment.
10. Your complaint will be assessed by our Screening and Analysis Team within the next two to three weeks and confirm we will update you with the outcome once assessed.

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

<sup>2</sup> 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](https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf).

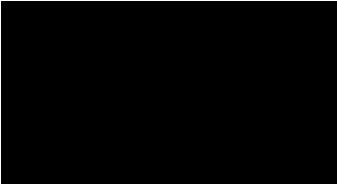
<sup>3</sup> For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

<sup>4</sup> The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

**Further information**

11. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
12. Please do not hesitate to contact us at [oiia@comcom.govt.nz](mailto:oiia@comcom.govt.nz) if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator