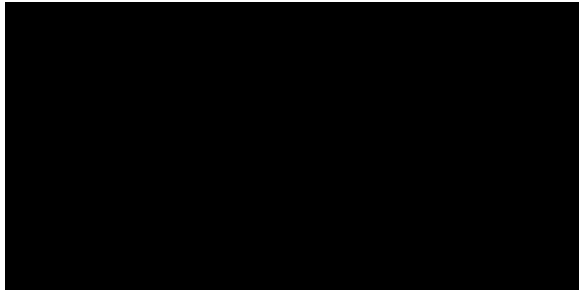


8 November 2018



Official Information Act request #18.097 – Complaint Numbers

1. We refer to your Official Information Act 1982 (OIA) request of 23 October 2018, where you asked the Commerce Commission (Commission) for:
 - 1.1 how many complaints are received by the Commission;
 - 1.2 the details of the top ten organisations that receive the most number of complaints each year for the last 5 years;
 - 1.3 how many complaints each company receives; and
 - 1.4 the status of these complaints.

The Commission's complaints screening process

2. When a consumer contacts the Commission with a complaint or enquiry about a trader, this is logged in the Commission's database as a report.
3. The Commission receives thousands of reports every year. Every report is initially assessed by the Enquiries Team on the basis of the information provided. When conducting this initial assessment, the Enquiries Team considers:
 - 3.1 The likelihood of a breach of the relevant legislation (Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 3.2 the Commission's Enforcement Response Guidelines¹, and;
 - 3.3 the Commission's strategic priorities and resourcing constraints.
4. The Commission has the power to act on reports, but is not required to take action in relation to all possible breaches of the legislation that we enforce.

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

5. If a report is deemed to meet certain criteria, it is reviewed by a panel of managers from within the Competition Branch. The panel decides which reports are to be prioritised for further consideration by the Branch.²
6. This process enables us to identify reports that best reflect our current enforcement priorities. 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.

Our response

7. We have decided to refuse [1.1] – [1.3] of your request for the reason that the information you have sought is publically available.
8. The information you have requested at [1.1] – [1.3] can be found within our Consumer Issues Reports (CIR), which are published on our website and can be found here: <https://comcom.govt.nz/business/consumer-reports/consumer-issues-report>.
9. Similar information (specific to retail traders) for 2017/2018 can be found in our recent OIA request response 17.155 'Retailer Complaints', which is published on our website and can be found here: <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>
10. We have refused [1.4] of your request under section 18(f) of the OIA, on the basis that the information cannot be made available without substantial collation.
11. The Commission receives on average 8,000 complaints per year. To provide the status of every complaint received about the top ten organisations with the most complaints, for the last 5 years, would be a substantial exercise for the Commission. For more recent complaints, this is unlikely to be possible because the status changes as the complaint moves through the screening process described at [2] to [6] above.
12. 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.
13. Please note the Commission intends to publish this response to your request on its website. Personal details will be redacted from the published response.
14. If you have any questions in regards to this request, please do not hesitate to contact us at uia@comcom.govt.nz

Yours sincerely,



Rosie Brown
OIA Coordinator

² For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>