



NAIT INFORMATION SYSTEM

DATA ACCESS STANDARD OPERATING PROCEDURES – DETERMINATION COMPLAINTS PROCEDURE

SEPTEMBER 2018

1 DETERMINATION COMPLAINTS PROCEDURE

1.1 LEGISLATIVE CONTEXT

The National Animal Identification and Tracing Act 2012, empowers the NAIT Information Administrator (the Administrator) and/or the Information System Access Panel (the Panel) to make determinations on applications for access to data held in the NAIT Information System or for links into the NAIT Information System.

The Administrator or Panel is required to inform applicants of the result of their application. If a determination is made to decline an application, in full or part, the Administrator or the Panel must state the reasons for declining the application.

1.2 NAIT POLICY

1.2.1 Purpose

The purpose of this document is to provide a complaints procedure for applicants dissatisfied with decisions or determinations by the Administrator or determinations by the Panel in accordance with section 50 of the NAIT Act 2012.

1.3 THE POLICY

NAIT will operate a two-tier process to enable decisions and determinations by the Administrator or the Panel to be reconsidered and reviewed.

1.4 TIMEFRAMES

NAIT will endeavour to respond to applications for reconsideration and review within 15 working days. This timeframe is indicative only and NAIT may take more or less time to reconsider or review the determination depending on workloads and the complexity of the issues involved.

If the reconsideration or review is unable to be completed within 15 working days or less, NAIT will contact the applicant and provide revised timelines.

1.5 PROCEDURE

If you receive a decision from the Administrator that you are not satisfied with, we suggest as a first step you contact the Administrator to arrange a time to discuss the matter. This will ensure that the Administrator has not misunderstood your application, and has all the information needed to make a proper decision. It may also mean that you get a better understanding of the reason for the decision on your application. This may lead you to revise your application or to accept the decision.

1.5.1 Requests for Review

If you are not satisfied with any decision of the Administrator or the Panel, you are entitled to make a written complaint requesting the review of the decision under these procedures. A complaint form will be sent to you upon request. Figure 1 provides a flow diagram of the complaints and review process.

All reviews of decisions will be against the requirements set out in Part 4 of the NAIT Act and the relevant policies and criteria for assessing applications set by the Panel in accordance with the NAIT Act.

This complaints procedure was approved by the NAIT Board in September 2018 and is posted on the OSPRI website.

The Panel must be advised of any requests for a review of an Administrator decision. The NAIT Board must be advised of any requests for a review of a Panel decision.

1.5.2 Administrator decisions

The Administrator has the option of reviewing the initial decision after a formal complaint or referring the complaint to the Panel for review. Where a complaint is referred to the Panel, the Administrator should provide the Panel with the original application, a copy of the assessment of the application, and all relevant communications with the applicant.

The Administrator should provide the applicant with the outcome of a reconsideration within 15 working days.

If you are not satisfied with the outcome of a reconsideration made by the Administrator, you can request that the decision is reconsidered by the Panel.

If you are not satisfied with the outcome of a reconsideration made by the Panel, you can request that the decision/determination is reviewed by the NAIT Board (see below).

1.5.3 Panel decisions

The Panel should provide the applicant with the outcome of a reconsideration of a Panel decision within 15 working days. This may include a request for further information and/or an amended application.

If you are not satisfied with the outcome of a reconsideration made by the Panel, you can request that the decision/determination is reviewed by the NAIT Board (see below).

1.5.4 NAIT Board Review

The NAIT Board¹ will re-examine all relevant documentation relating to the original application and any subsequent amendments that have occurred through the review process.

The NAIT Board may appoint an independent reviewer of the decision. In appointing a reviewer, which will be a person not having been involved in the original decision, the NAIT Board will consider the following:

- a. The requirement to have a transparent and independent review process
- b. The nature and complexity of the issues raised
- c. The importance of the issues raised.

1.5.5 Outcome of the Review

Based on the review, the NAIT Board will provide the Panel and Administrator with the Board's recommendation on whether the decision should be upheld or amended. The Panel will consider the recommendation and inform the applicant of the Panel's final decision.²

¹ The NAIT Board has the option of delegating this function to the NAIT Chief Executive as appropriate.

² Only the Panel and Administrator have authority under the NAIT Act 2012 to make a determination or decision on data access.

1.5.6 Address for Requests for Review

All requests for review are to be made in writing in the prescribed form, and should be sent to the following address:

You can contact the Administrator in writing or by phone:

NAITsysadmin@ospri.co.nz

NAIT Ltd
PO Box 3412
Wellington 6140
New Zealand
0800 482 463

2 COMPLAINTS PROCESS FLOW DIAGRAM

