

NCAT Consumer and Commercial Division
Procedural Direction 6

**PERSONAL IDENTIFIERS
IN WRITTEN REASONS FOR DECISIONS
AND RESERVED DECISIONS**

This Procedural Direction applies to:	Consumer and Commercial Division
Effective Date:	1 January 2014
Replaces Procedural Direction:	Not Applicable
Notes:	You should ensure that you are using the current version of this Procedural Direction. A complete set of Procedural Directions and Guidelines is available on the Tribunal website at www.ncat.nsw.gov.au

Introduction

1. This direction is issued pursuant to section 26 of the *Civil and Administrative Tribunal Act 2013* (NCAT Act) and sets out the policy and procedures which are to apply to the removal or anonymisation of personal information contained in Consumer and Commercial Division written reasons and reserved decisions published pursuant to sections 56 and 62 of the NCAT Act.
2. The purpose of this direction is to prevent any unnecessary intrusion of privacy of identity theft in relation to parties and witnesses involved in Consumer and Commercial Division proceedings.
3. This direction does not apply to adjudications under the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*. This direction does not apply to any decisions published only to the parties or any decision in which confidentiality orders are in place preventing its wider dissemination.

Personal identifiers

4. For the purpose of this direction, 'unique personal identifiers' includes: full names, residential addresses, dates of birth, anniversary dates; Medicare numbers; bank account or loan account numbers; tax file numbers; licence numbers; motor vehicle registration numbers; email addresses; the names of spouses, partners and children.

Removal of personal identifiers

5. Members are not to include unique personal identifiers in written reasons for decision unless the information is essential to support the decision. The following is to be used by members as a guideline to removing or anonymising personal information in reasons for decision.
6. Names
Full names of parties and witnesses are not to be used wherever possible. Omission of a middle name or initial is unlikely to affect the cogency of the reasons. Similarly, the names of spouses, partners and children should only be used if necessary to the decision. It may be sufficient to state: 'Mr Jones resided at the premises with his partner and three children'.
7. Residential addresses
The full current or past residential address of a party or witness should be omitted if it has no relevance to the case. In many matters before the Tribunal where the address is of relevance it may be sufficient to use only the town or suburb. For example: 'In 2012 Ms Smith entered into a residential tenancy agreement with the landlord in respect of premises in Griffith'. Similarly telephone numbers, email addresses and facsimile numbers should not be used or, if necessary, partially obscured, for example: '9xxx xx56'.
8. Dates and anniversaries
Dates of birth should not be set out in full. It will usually be sufficient to state, for example 'the applicant was born in 1963'. Similarly, refer only to the year for anniversary dates, for example, 'the parties married in 1985'.
9. Unique numbers
Unique numbers such as bank account numbers, loan accounts, credit cards, licences, passports, Medicare cards, tax file numbers, vehicle registration numbers or student identification numbers should not be set out in full in any circumstances. If it is necessary for the purposes of the decision to identify, for example, a motor vehicle registration number, it may be sufficient to obscure some of the numbers as follows: 'Bxx 5xx' or 'Ax xx xx'.

(Sgd)

24 December 2013

STUART WESTGARTH

Deputy President