



Appendix D – Responding to paragraph 5 in the Commission’s letter to APRA of 23 January 2018

An illustrative list of individual cases or complaints where the actual or likely impact on beneficiary outcomes was immaterial, where the information or complaint was insufficient to warrant taking action, or where the misconduct did not raise prudential concerns.

Legend:

ADI means Authorised Deposit Taking Institution

GI means General Insurer

LI means Life Insurance company

RSE Licensee means Registerable Superannuation Entity Licensee

Entity	Description	Action
[Redacted content]		



Entity	Description	Action
[Redacted content]		

Confidentiality claims

The documents and information referred to in this Appendix D are 'protected documents' or 'protected information' within the meaning of s56(1) of the *Australian Prudential Regulation Authority Act 1998 (APRA Act)*, except in so far as the information or documents are already lawfully in the public domain, or fall within s57(7B) of the APRA Act.



A claim of confidentiality is made in respect of the documents and information in App D that is protected information and protected documents

The bases for the claims for confidentiality are as follows:

1. The documents and information are protected documents and protected information within the meaning of s56(1) of the APRA Act.
2. In so far as the documents and information comprise or refer to complaints or concerns reported to APRA, APRA does not have the complainant's consent to disclose that information outside of APRA.
3. The protected documents and protected information are also commercially sensitive, and many are internal to APRA and record or refer to APRA's analysis of protected information.
4. APRA may not disclose and cannot be required to disclose protected documents or protected information except as provided in subsections 56(3) to (7B) of the APRA Act.
5. Subsection 56(5) of the APRA Act gives APRA the power to approve the disclosure of protected information or protected documents to a person approved by APRA by instrument in writing. The Commissioner has requested production to the Commissioner, Counsel assisting the Commissioner, and the Solicitors to the Commission.
6. Subsection 56(8) of the APRA Act provides that if APRA discloses information or produces a document under s56 of the APRA Act, APRA may impose conditions to be complied with in relation to the information disclosed or the document produced.

Having regard to the purpose and importance of the Royal Commission, the Commissioner's request that APRA provide information that will assist the Commissioner in the conduct of the Royal Commission, and the powers of the Commissioner to make orders to limit access to, and preserve the confidentiality of, documents and information produced, APRA has determined that it is appropriate to provide the documents and information set out in App D on the basis of a direction that preserves the confidentiality of the documents and information.

APRA request that the Commissioner make a direction that the protected information and protected documents referred to in App D not be disclosed other than to the Commissioner, Counsel assisting the Commissioner and the Solicitors to the Commission, such disclosure to occur on a confidential basis.

CONFIDENTIAL