MEDIATION INFORMATION

The Information Commissioner cannot hold a hearing in relation to a complaint unless there has been an attempt to resolve the matter by mediation. Mediation is a process by which the respondent and the complainant try to resolve their areas of disagreement. It is based on the principles of problem-solving that focus on the needs and interests of the participants and the best interests of both parties. The process involves:

- both parties listening to each other's points of view without interrupting;
- identifying the issues in dispute;
- setting an agenda to discuss the issues;
- sharing relevant information;
- exploring options and testing possible solutions; and
- negotiating a written agreement.

The mediator facilitates the communication process between the parties by creating a favourable environment to resolve the areas of disagreement. The mediator acts impartially, assisting the parties to both jointly and separately reach a consensus. The mediator's role includes:

- facilitating structured communication between the parties;
- assisting the parties to work out what the dispute is about and isolating the issues involved;
- encouraging cooperative problem-solving and discouraging the parties from taking entrenched positions;
- helping to determine where the parties have common, compatible and conflicting interests and where appropriate, selectively sharing the information with the other parties;
- systematically exploring issues and mutually beneficial solutions by focussing on the interests and personal needs of the parties;
- generating options that meet the needs and interests of the parties in an effort to resolve the dispute; and
- managing and making decisions about the process to achieve a “win-win” outcome for both parties.

Anything said, recorded or done in the course of the mediation is confidential and is not admissible in any other proceedings. A brief case note will be published on our website but it will not reveal the names of the parties or any matter agreed upon at the mediation.