We can consider a claim for compensation for embarrassment or humiliation caused by a privacy breach. We call this ‘non-financial loss’. This is separate from claims for financial loss.

**When will we consider a non-financial loss claim?**

We will only consider a claim where a provider has breached a privacy obligation under the Privacy Act 1988. This includes breaches of the Australian Privacy Principles, and rules relating to credit reporting.

**Who can make a claim?**

We can only consider non-financial loss claims from individuals. We cannot consider claims from businesses or from representatives of deceased estates. This is because the Privacy Act covers personal information about living individuals.

**How we assess claims**

We assess claims by:

- determining if there was a breach of privacy
- looking at the impact the breach had on you
- determining if compensation is the appropriate way to resolve the complaint.

**We might consider alternatives to compensation**

We might decide that instead of paying compensation, the provider should apologise or take some other action, such as correcting the personal information it holds about you.

**We have guiding principles to decide how much compensation is appropriate.**

If we think the provider should pay compensation, we follow these principles to suggest the amount that the provider should pay.

Any amount of compensation for non-financial loss will:

- reflect the individual circumstances of the complaint
- not be punitive nor tokenistic
- be fair and reasonable.

Our decisions are guided by cases decided by the [Office of the Australian Information Commissioner](https://www.aoic.gov.au), other external dispute resolution schemes, and the courts.

We do not consider any of the following:

- time spent and costs of making a TIO complaint
- inconvenience
- loss of business reputation
- compensation to punish or penalise a provider.