



PUBLIC TRUSTEE AND GUARDIAN

POLICY

DOCUMENT PROPERTIES	
Name of Policy	Privacy Policy
PTG Policy Number	18
Creation date reference	2019-3
Endorsed by SLG	21 January 2020
Authorised by	Andrew Taylor, Public Trustee and Guardian
Date for next review (plus three years)	21 January 2023

OVERVIEW

The ACT *Information Privacy Act 2014* requires the Public Trustee and Guardian (PTG) to have a clearly expressed and up-to date privacy policy which outlines how we collect, hold, use and disclose information about you.

WHAT THIS POLICY DETERMINES

This policy clarifies how we handle information about you in the course of conducting our business. It also sets out the way PTG protects information including any *personal information, sensitive information, or personal health information* about you which is collected or held by us.

WHO WE ARE AND WHAT WE DO

PTG is an independent government organisation which has the functions of Public Trustee and Public Guardian.

Within these functions, PTG has responsibilities as a guardian or financial manager, and can make personal care and health care decisions, as well as financial and property decisions, for persons with a decision-making disability. PTG also provides other services including deceased estate administration, Will-making services, Enduring Power of Attorney services, trust administration and funds and property management. PTG's functions and activities are governed by an extensive list of legislation.

OPERATIONAL CONSIDERATIONS

The following directions apply to the handling of all stored personal information that has been received for the purposes of delivering PTG services and products. These directions apply to all PTG employees and any contractors and service providers undertaking work on our behalf.

Collecting and receiving information about you

When PTG becomes involved in someone's life, we collect and receive a lot of personal and sensitive information about the person, their family and sometimes friends. We respect the privacy and confidentiality

of that information. PTG collects this information to have a better understanding of a person's needs in order to provide our services.

We only collect personal information about you in ways that are lawful, fair and directly related to our work. This information can be collected through forms, face-to-face-meetings, emails, fax messages and telephone calls. The information may come from you directly or from other people, organisations and government agencies, where your consent has been given, or when we exercise legislative powers. It may also come from publicly available sources, including social media, land titles registers etc.

When we collect information from you, we will notify you about who we are, why we need to collect the information, how you may be affected if we cannot collect the information and to whom that information may be disclosed.

Without the information we collect, PTG is unable to do its job properly. This includes securing and protecting a person's financial affairs and ensuring the person is appropriately supported with the relevant services in a timely manner. Where necessary, this may also include information about the identity of beneficiaries under a Will, bank and investment account details, health and medical information, superannuation and insurance, medical service providers, details of assets and liabilities and current court cases.

The data quality of your personal information is important to PTG. To ensure that personal information we collect is accurate, up-to-date and complete we:

- record information in a consistent manner;
- where necessary, confirm the accuracy of information we collect from other sources;
- promptly add updated information or new personal information to our records;
- regularly audit our contact lists and identification credentials; and,
- review the quality of the personal information before we use or disclose it.

Under the *Information Privacy Act 2014* and the *Freedom of Information Act 2016*, you have the right to ask that we correct errors or update your personal information. If a correction or update is made, any incorrect or out-of-date personal information that has been disclosed to others, can also be corrected or updated.

If you contact us, but choose not to identify yourself, or use a made-up name, we can still help you by describing the services we are able to offer.

How we keep and protect information about you

The *Information Privacy Act 2014* and the ACT Government Protective Security Policy Framework requires PTG to take all reasonable measures to ensure your personal information is safe and secure with us. This means that only certain people within PTG can have access to that information, and that it can only be passed onto other people or organisations in restricted circumstances.

Any personal information held by PTG about you is stored electronically in a secure case management computer network or, for paper documents, in locked cabinet files and a secure warehouse. Access to that information is controlled on a need-to-know basis to provide maximum privacy protection.

Due to the nature of PTG's multiple business services, this can also mean the protection of personal information from being shared between PTG business areas where appropriate. This is because the multiple functions within PTG also mean the potential scope for more than one service responsibility being created for the one person.

To allow PTG to maintain its services in the event of a natural disaster, PTG uses more than one storage facility for paper files and back-up systems for electronic files.

Under the *Territory Records Act 2002*, PTG is required to keep *government information*, including your personal information for specified periods depending on the nature of the material. Where individual case management files are no longer active, there are secondary legislative provisions which determine the timing and subsequent destruction of that information.

If your personal information is accidentally released, lost, corrupted or accessed without authorisation, PTG will enact its Data Breach Management Policy (DBMP). The DBMP is implemented swiftly to contain further damage, assess the breach, warn you if affected, and implement additional controls to prevent similar breaches in the future.

Disclosure of your personal information to others

PTG will only disclose your personal information with others if you agree. This is usually limited information to establish relationships with your service providers, financial institutions and legal advisors, or for the purpose of buying or selling real property on your behalf, financial planning advice, activating payments to you, or verifying the identity of beneficiaries under a will or trust. In some circumstances, it may be necessary for PTG to communicate with overseas agencies.

However, where a law requires or allows us to disclose your personal information without your consent, we can do so in exceptional circumstances. Examples of these exceptional circumstances include:

- where there is a threat to life, health or safety of a person;
- law enforcement to prevent or detect a crime;
- addressing misconduct or corruption involving our work;
- suspected child abuse or other reportable conduct; or
- complying with court or tribunal directions.

Access to information,

You have the right to access government information, personal information or personal health information under ACT legislation. Refer to the *PTG Access to Information Policy No 19* for further details.

COMPLAINTS

If you are unhappy with how we have handled the privacy of your personal information, we ask that you make a complaint to us in writing (by letter or email). We can assist you to make your complaint with us. Our email, facsimile and postal address for complaints is:

Email: ptg@act.gov.au
Facsimile: (02) 6207 9811
Post: Complaints – PO Box 221, Civic Square ACT 2608

If you are not satisfied with our response to your complaint, you may ask for a review by PTG or make a formal complaint to the Office of the Australian Information Commissioner. The OAIC contact details for complaints is:

Email: enquiries@oaic.gov.au
Facsimile: (02) 9284 9666
Post: Complaints – GPO Box 5218 Sydney NSW 2001

LEGISLATION & DEFINITIONS

The legislative provisions governing the privacy of PTG information are:

<i>Information Privacy Act 2014</i>	(IP Act)
<i>Health Records (Privacy and Access) Act 1997</i>	(HR-PA Act)
<i>Freedom of Information Act 2016</i>	(FOI Act)
<i>Public Trustee and Guardian Act 1985</i>	
<i>Administration and Probate Act 1929</i>	
<i>Cemeteries and Crematoria Act 2003</i>	

Confiscation of Criminal Assets Act 2003
Financial Management Act 1996
Public Sector Management Act 1994
Territory Records Act 2002
Guardianship and Management of Property Act 1991
Official Visitor Act 2012
Powers of Attorney Act 2006
Trustee Act 1925
Unclaimed Moneys Act 1950
Wills Act 1968

Key definitions used in this policy document are:

Personal information means information or an opinion about a person who is reasonably identifiable - whether that information or opinion is true or not and whether the information and opinion is recorded in a material form or not. Personal information does not include *personal health information* (IP Act).

Sensitive information means personal information about a person's race or ethnic origin, political opinions, membership of a political association, religious beliefs or associations, philosophical beliefs, membership of a professional or trade association or trade union, sexual orientation or practices, criminal record, genetic information, or biometric information or a biometric template that relates to the individual (IP Act).

Personal health information means information, whether or not recorded in a health record, relating to the health, illness or disability of a consumer or collected by a health service provider in relation to the health, illness or disability of a consumer (HR-PA Act).

Government information means information contained in a record held or accessible by an agency or Minister excluding - information relating to the Minister's personal or political activities or created or received by a Minister in their capacity as a member of the Legislative Assembly (FOI Act).

HOW TO CONTACT US

You can contact PTG as follows:

Email: ptg@act.gov.au
Telephone: (02) 6207 9800
Facsimile: (02) 6207 9811
Post: PO Box 221, Civic Square ACT 2608

Assisted Contact:

- National Relay Service
- TTY users' phone
- Speak and Listen users' phone
- Internet relay users connect to the NRS
- Translating and Interpreting Service

Apart from the local call cost these are free.

END OF POLICY