

The Public Trustee of Queensland - Privacy Statement

1. Introduction

The Public Trustee of Queensland collects and manages personal information in the course of performing its activities, functions and duties, and we respect the privacy of all personal information held by us.

The way the Public Trustee manages personal information is governed by the Information Privacy Act 2009 (Qld) (**the Act**) and the Information Privacy Principles (**IPP's**) established under the Act.

This Statement describes how the Public Trustee manages any personal information we may hold about you. More detailed information on how your personal information is or will be handled by the Public Trustee will be found in the Public Trustee's Personal Information Digest when this is developed in the near future or by contacting one of our Public Trust Office Privacy Contact Officers on the contact details set out below.

2. What is "personal information"?

"Personal information" is information or opinions (including information or an opinion forming part of a database) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Information or an opinion about an individual can be personal information regardless of whether it is true or not, and whether or not the information or opinion is recorded in a material form.

3. Collection and use of personal information

3.1 Reasons for collecting your personal information

We are authorised or required under various laws to collect your personal information. (For a current list of legislation that authorises or requires us to collect your personal information, please see the Public Trustee Personal Information Digest when finalised and posted on this website).

We collect your personal information to enable us to provide you with a full range of trustee, financial and associated services permitted by law. In particular, we may collect your personal information for the following purposes:

- to administer your financial affairs if we are appointed as your power of attorney (enduring or otherwise) or as administrator pursuant to the *Guardianship and Administration Act 2000* (Qld);
- to process any sanction applications pursuant to section 59 of *Public Trustee Act 1978* (Qld);
- to prepare legal documents for you including wills, contracts, deeds and powers of attorney;
- to administer deceased estates;
- to provide legal advice;
- to assist in applications for probate;
- to provide legal advice or responses in respect of any *Right to Information Act 2009* applications, administrative law issues and legal compliance matters;
- to act as trustee;

- to process any payments or donations which you make to us (for example, payment of our legal fees);
- to identify you and to seek to protect you from unauthorised access to your personal or our account information;
- to facilitate and organise Public Trustee events, functions, forums and programs and, where necessary, to check your eligibility and record your attendance at such events;
- to inform you of Public Trustee news and developments or to notify you of Public Trustee related developments or events which you have requested to be notified of (for example, newsletters and notices);
- to assess your eligibility for, and assist you in, any applications for community assistance or services that you have requested or applied for (for example, Legal Aid assistance);
- to respond to any communications and correspondence you send to us (which includes answering any queries and dealing with any feedback or complaints you have);
- if you are a Public Trustee employee or have applied for employment at the Public Trustee - to process your employment application, and to process any employment related tasks at any time (for example, to verify employment related matters and information, grant you building and IT access, to manage your salary arrangements);
- to investigate any complaints lodged by you in connection with the Public Trustee, its employees, functions and activities;
- to provide you or any family member or carer with any information, services or products you or they have requested or are considering (but only when appropriate, authorised or required by law to do so);
- to assist us determine your needs and requirements to enable us to provide you with the appropriate services and information you have requested;
- to maintain any information databases, records or registers including those that we are required under Federal or State legislation to maintain;
- to administer and enforce any legislation which the Public Trustee is required to administer and enforce;
- to meet any legal obligations we have to identify our clients prior to dealing with you;
- to verify any information you have provided to us;
- to make contact with you should we need to for any purpose associated with the above activities;
- to take any other further action which we are required or authorised by law to take, including any investigative, enforcement and recovery action;
- to do anything which you authorise or consent to us doing;
- to otherwise perform our functions, duties and activities. This includes but is not limited to any statutory duties we have, including those to other government bodies; and
- any other purposes referred to in our Personal Information Digest (when finalised).

Types of personal information we collect

The kinds of personal information we collect may include your:

- name, gender and date of birth;
- residential and postal address;
- telephone number and email address;
- photo and video images (if you provided us with these images);
- addresses of your property (whether owned or leased by you);
- credit card information;
- bank account details;
- drivers licence details;
- passport details;
- your vehicle description and registration details;
- details of your assets and liabilities, property(ies) and financial affairs;
- medical history, employment history, bankruptcy history, educational qualifications, immigration history, criminal history, family history, children and living arrangements;
- income, investments, company details and taxation records;
- previous legal applications, arrangements and dealings;
- other legal, medical, financial and employment records and documentation;
- copies of correspondence exchanged between the Public Trustee and you;

and certain other of the above personal information or other information relating to your family or carers (when appropriate, authorised or required by law to do so); and any other information referred to in our Personal Information Digest (when finalised).

3.2 Collection of personal information

As far as possible, we will collect personal information directly from you - for example, during personal meetings, interviews, phone conversations or during the Public Trustee's interactions with you including written correspondence, enquiries, complaints or applications.

However, in certain circumstances, we may either collect or be provided with your personal information from a third party, for example:

- if you are a minor or have impaired capacity - your parents or guardian;
- other Government departments and bodies (for example, the Department of Communities or Department of Corrective Services);
- Courts;
- the Police;

- family members;
- the Australian Taxation Office;
- Legal Aid;
- your current or former employer (for example, to obtain a reference check if you are applying for employment with us);
- doctors, hospitals and medical professionals;
- your lawyers, accountants, financial advisors or other professional advisors;
- financial institutions with whom you have an existing relationship; and
- any other third parties referred to in our Personal Information Digest (when finalised).

Where we collect your personal information from third parties, we will assume, and you will ensure, that you have made those third parties aware of your referral and the purposes involved in the collection, use and disclosure of the relevant personal or other information.

4. Disclosure of personal information

In accordance with the Act, we will not disclose your personal information unless:

- we have obtained your express or implied consent;
- we are required or authorised by law to do so;
- the information is necessary for the Public Trustee or a law enforcement agency to perform its functions, duties and activities (including, but not limited to, the prevention, detection, investigation, prosecution or punishment of criminal offences);
- the disclosure is necessary for research, or the compilation or analysis of statistics in the public interest (in which case your personal information will be de-identified); or
- the Public Trustee believes that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety of a person, or to public health, safety or welfare.

In carrying out our functions, duties and activities, we may disclose your personal information to:

- internal Public Trustee Divisions;
- Court or Tribunals (for example, the Queensland Civil and Administrative Tribunal);
- financial institutions and the ATO;
- bodies to which we are authorised or required by law to disclose such information (for example, law enforcement agencies, various Federal and State departments, public sector bodies and government agencies);
- persons to whom we are authorised or required by law to disclose such information or we think it may be appropriate to do so (for example, family members or carers in certain circumstances);
- other public or private sector bodies who provide funding to the Public Trustee in connection with certain Public Trustee initiatives or with whom the Public Trustee partners to deliver certain services;

- to our professional advisers, contractors or service providers who we have engaged or appointed to carry out, or advise us on, the Public Trustee's functions, duties or activities;
- any parties with whom the Public Trustee has entered into an arrangement for the carrying out of Public Trustee functions, duties or activities;
- any specific parties which we have advised you of at the time the relevant personal information is collected;
- any other entities, with your express or implied agreement; or
- any other entities referred to in our Personal Information Digest (when finalised).

The above entities may in turn disclose the personal information we provide to them (for example, your financial institution may be required to pass on your personal information to the ATO).

5. Storage of personal information

The Public Trustee seeks to store the personal information it collects in secure locations and databases. We take precautions to protect your personal information against loss, unauthorised access, use, modification, disclosure or other forms of misuse.

Some examples of the safeguards we use to protect your personal information include:

- password protection on the Public Trustee's computers;
- physical measures such as access codes and office swipe cards;
- restricted access to the Public Trustee's offices;
- induction and training for employees on our information security and confidentiality procedures;
- regular back up of our databases; and
- efficient and timely filing and archiving of documents in secure locations.

6. Access to your personal information

If you wish to access any documents held by the Public Trustee which contain your personal information, please contact us.

Please note that we may ask you to make your request in writing and provide us with evidence of your identity.

In some circumstances under the Act or other legislation, we may not be able to provide you with the access you requested. If we decide not to provide you with access to your personal information we will give you reasons for our decision.

See " Privacy Contact Details" below on how to contact us.

7. Online dealings with the Public Trustee

7.1 Website Privacy and Security

We understand and appreciate that visitors and users of our website are concerned about their privacy and the confidentiality and security of any information that may be provided to us.

7.2 Site visit data

When you visit our website to read or download information, our server records the following information for statistical purposes:

- your server's address;
- the name of the top level domain from which you accessed the internet (for example, .gov, .com, .edu, .net, .org, .au, .nz etc);
- the type of browser you use;
- the date you accessed the website;
- the time you accessed the website;
- the pages you have accessed;
- the documents you have downloaded; and
- the previous internet address from which you linked directly to our site.

The above information is gathered solely for the purposes of creating anonymous, aggregate statistics which allow us to assess the number of visitors to the different sections of our site, discover what information is most (and least) useful, improve the quality of our website and make it more useful to visitors.

7.3 Google Analytics

The Public Trustee is committed to providing a useful and effective service via its webpage. To that end, the Public Trustee employs the tools provided by Google Analytics to gather information about how the Public Trustee website is accessed. Google Analytics uses "cookies", which are text files placed on your computer, to help the Public Trustee analyse how users use the site.

The information generated by the cookie about your use of the Public Trustee website will be transmitted to and stored by Google on servers located outside of Australia. No personally identifying information is recorded or provided to Google. If you are logged in to the Public Trustee website, information about your user account is not linked to data recorded by Google Analytics and is not provided to Google.

For more information on Google's Privacy Policy, visit: <http://www.google.com/intl/en/privacy/privacy-policy.html>

7.4 Links to other sites

Our website also contains links to other websites. We are not responsible for the content and privacy practices of other websites.

7.5 Cookies

A cookie is a piece of data or small file that an internet website sends to your browser when you access information at that site. Cookies allow websites to be able to recognise you as you browse their website.

Our website employs the use of session cookies only. Session cookies enable the Public Trustee website to keep track of your movement from page to page so you don't get asked for the same information you've already given. Cookies allow you to proceed through many pages of the Public Trustee website quickly and easily without having to authenticate or reprocess each new area you visit.

After your browser session to the Public Trustee website is closed, the session cookie stored on your machine is erased.

No attempt is or will be made to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect activity logs.

7.6 Email correspondence

Email correspondence sent to our website may be treated as a public record and retained as required by the *Public Records Act 2002* (Qld) and other relevant legislation. Email messages may also be monitored by our information technology staff for system trouble-shooting and maintenance purposes.

Your email address details will not be added to a mailing list (unless you so request).

8. Complaints

If you wish to make a complaint about how we have handled your personal information, please contact our Public Trust Office Privacy Contact Officer on the contact details set out below.

Please note that we will ask you to lodge your complaint in writing.

We will:

- within **five** business days of receiving your complaint - acknowledge receipt of your complaint; and
- within **28** business days of receiving your complaint - investigate the circumstances of your complaint and provide you with a response.

If you are not satisfied with how we have handled your complaint you can lodge a complaint with the Queensland Information Commissioner at:

Telephone: (07) 3234 7373

Post: The Manager, Corporate and Executive Services, Office of the Information Commissioner, PO Box 10143, Adelaide St, Brisbane QLD 4000

Email: administration@oic.qld.gov.au

9. Privacy Contact Details

Our Privacy Contact Details are:

The Records Manager

Telephone: (07) 3213 9168

Post: GPO Box 1449, Brisbane 4001

Fax: 07/3213 9485

Email: clientenq@pt.qld.gov.au

10. Changes to the Privacy Statement

We may from time to time make changes to this Privacy Statement. If we amend this statement, we will post the amended statement on our website – www.pt.qld.gov.au