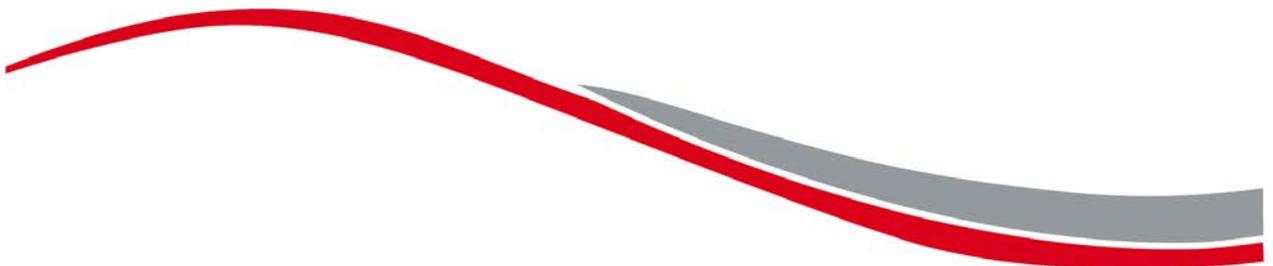




**The Public Trustee**

# **Privacy Information Digest**

**February 2015**



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**Table of Contents**

- 1. Introduction .....4
- 2. What is a Privacy Information Digest? .....4
- 3. What is Personal Information?.....4
- 4. What is not personal information?.....4
- 5. How we collect personal information.....5
- 6. Storage and management of personal information.....5
- 7. Use and disclosure of personal information .....5
- 8. General personal information collected.....6
  - 8.1 Collection notice .....7
- 9. Client Services .....7
  - 9.1 Client Service Centre.....7
  - 9.2 Disability Services and Trusts (DST) .....7
  - 9.3 Deceased Estates .....8
    - 9.3.1 Criminal Proceeds Confiscation Unit.....9
    - 9.3.2 Intestacy Entitlement Unit .....9
    - 9.3.3 Unclaimed Moneys .....10
  - 9.4 Wills Development.....10
  - 9.5 Charitable Trusts .....11
- 10. Governance and Executive Directorate.....11
- 11. Internal Audit.....12
- 12. Office of the Official Solicitor.....12
  - 12.1 Legal Services.....12
  - 12.2 Conveyancing Services .....13
- 13. Corporate Services.....13
  - 13.1 Information Services.....13
  - 13.2 Marketing and Communication .....13
  - 13.3 Human Resources Program .....14
    - 13.3.1 Human Resources.....14
    - 13.3.2 Workplace, Environment and Business Support .....15
    - 13.3.3 People and Organisational Capability .....15
  - 13.4 Property .....15
- 14. Finance and Investments.....16
  - 14.1 Finance .....16
  - 14.2 Taxation .....17
  - 14.3 Investment Services .....17
    - 14.3.1 Funds Management.....17
    - 14.3.2 Equities .....18
    - 14.3.3 Financial Planning and Technical Support .....18
    - 14.3.4 Custodian and Trustee Services .....18
- 15. Glossary .....19
- 16. Acronyms .....19
- ATTACHMENT A: SUMMARY OF LEGISLATION.....20

## 1. Introduction

Queensland has privacy legislation which applies to the Queensland public sector—the *Information Privacy Act 2009* (IP Act). The IP Act contains a number of privacy principles which set out the rules for how personal information is to be collected, managed, used and disclosed by Queensland government agencies, excluding health agencies.

It creates an obligation to comply with the privacy principles, which include the Information Privacy Principles (IPP) the National Privacy Principles (NPP), the conditions under which personal information may be transferred outside of Australia and the rules regarding contracted service providers. The NPPs do not apply to the Public Trustee of Queensland (Public Trustee) because it is not a health agency.

Chapter 3 of the IP Act creates a right for individuals to access and amend their personal information.

## 2. What is a Privacy Information Digest?

A Privacy Information Digest (PID) is a document which summarises in general terms the kinds of personal information collected and held by an agency. It assists individuals in finding out:

- what type of personal information is collected and held?
- why this personal information is collected and held?
- how this personal information is stored and managed?
- who this personal information is shared with?

The Public Trustee has produced this document to inform members of the public about our information management practices. This document is to be read together with our Privacy Statement and Information Privacy Plan.

In this document, any reference to "information" refers to personal information of an individual as defined in the IP Act, and other information in relation to other persons.

## 3. What is Personal Information?

Personal information is defined in the IP Act at section 12 as:

*“information or an opinion including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.”*

## 4. What is not personal information?

Information about an anonymous individual or information that cannot be used to reasonably ascertain the identity of an individual is not covered by the IP Act.

The definition of 'individual' in the *Acts Interpretation Act 1954* (Qld) is 'a natural person'. A natural person can only be a living person. This means that deceased people cannot have personal information; however care should still be taken when handling the information of the deceased, as it may also be the personal information of the living, for example, a family member.

Businesses and community organisations do not have personal information.

The collection principles do not apply to personal information in publications that are generally available, such as magazines, books, newsletter or newspaper articles, annual reports, internet

publications and the Queensland Government Gazette. If that personal information appears in a record of the agency, then the IPP will apply.

## **5. How we collect personal information**

Personal information is collected externally and internally. Generally information is collected by telephone, standardised office forms, mail, email and fax, meeting notes and records, our website and face to face meetings with individuals. Where required by the circumstances we collect information using still and video cameras. The Public Trustee will take all reasonable steps to make individuals aware when information is being collected via these methods. Clients from non-English speaking backgrounds are entitled to access the services of an interpreter to ensure the collection of accurate information.

## **6. Storage and management of personal information**

The personal information we collect is generally stored in electronic databases such as:

- Client Information Management System (CIMS) – main database system
- Affinity – a legal costing and management system
- Finance 1 – corporate finance software package
- MYOB – Accounting Software Package – used for taxation purposes
- TRIM – an Electronic Document and Records Management System (EDRMS)
- Complaints Management System – database of complaints received
- AURION – Human Resources Information Management system
- TeamMate – an Audit Management System
- Family Historian – a genealogical software system.

Information is also stored on desktop computers, laptops, external hard drives, mobile devices and work group directories allocated by the Information Systems work group.

Hardcopies of information are stored in secure locations. We take reasonable precautions to protect personal information against loss, unauthorised access, use, modification, disclosure or other forms of misuse.

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

- password protection on all computers and regular backup of our databases.
- encryption and password security on all mobile devices and external drives.
- restricted access to workspaces using access codes and swipe card entry.
- induction and training for employees on information security and confidentiality procedures.
- requirement of all staff to sign a secrecy and non-disclosure document.
- mandatory online training

## **7. Use and disclosure of personal information**

IPP 10 provides that personal information must not be used for a purpose other than the particular purpose for which it was obtained, unless certain exceptions apply. Employees are not to collect or use personal information for personal gain, or purposes not directly related to business activities. Employees must only access personal information (including client or employee files) only where it is a direct requirement of their role.

We may use personal information other than for its primary purpose if the:

- individual has expressly or impliedly agreed to the use for the secondary purpose.
- secondary purpose is directly related to the primary purpose.

- use is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
- use is authorised or required under law.
- use is necessary for certain types of law enforcement purposes.
- use is necessary for certain types of research, or the compilation or analysis of statistics, in the public interest, the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual, and it is not practicable to obtain the express or implied agreement of each individual before the use.

Where legislation specifically requires or authorises a work group to manage information, that legislation is listed for each work group within this document as a summary at [ATTACHMENT A: SUMMARY OF LEGISLATION](#).

IPP 11 provides that personal information must not be disclosed to a third party, unless certain exemptions apply. Where we possess or control a document containing personal information collected for a particular purpose then, we must not disclose that information for another purpose unless:

- the person concerned has expressly or impliedly agreed to disclosure of the information for the other purpose.
- the Public Trustee is satisfied on reasonable grounds that the use of the information is necessary to lessen or prevent serious threat to the life, health, safety or welfare of an individual or to public health, safety or welfare.
- the Public Trustee is authorised by law to do so.
- it is necessary for certain types of law enforcement.
- the information is necessary for certain types of research, or the compilation or analysis of statistics in the public interest and does not involve the publication of personal information, it is not practicable to obtain the express or implied agreement of the individual before the disclosure and we are satisfied the relevant entity will not disclose the personal information to another entity.
- the other purpose is directly related to the purpose for which the information was obtained.

Where a disclosure occurs under one of these exemptions, we must take reasonable steps to ensure that the third party does not use or disclose the information for a purpose other than the purpose for which it was disclosed. For example, there is a requirement to include a record of the use of personal information where personal information is disclosed for law enforcement purposes.

Individuals are welcome to contact the Public Trustee if they have any concerns about the circumstances in which their personal information is used or disclosed.

## **8. General personal information collected**

Our programs and work groups collect, use, store and disclose personal information in the performance of their functions and activities, and as required and authorised by law. Information collected is stored in our Client Information Management System (CIMS).

The information we usually collect includes as a minimum:

- full name (including maiden names, birth/adopted names, aliases, deed poll changes);
- address (residential and postal);
- phone number (landline and mobile);
- email address;
- date of birth (or age);
- place of birth;

- marital status;
- gender;
- spouse/parents/children/next of kin details; and
- occupation.

Further information collected will depend upon the services provided and may include:

- copies of official documents (Driver's Licence, Passport, Citizenship papers);
- Tax File Number (TFN), Australian Business Number (ABN) or Australian Company Number (ACN);
- property addresses and details of other investments;
- financial institution account details;
- reference numbers (our identification numbers or those of other organisations);
- details of assets and liabilities;
- employment history or details; and
- photographs of individuals (in some cases).

Certain functions and work groups may also require collection of additional information. Further details on what types of additional information is collected is set out below under the headings for the relevant functions or work groups.

### **8.1 Collection notice**

When collecting information, agencies must take reasonable steps to make an individual generally aware of:

- why the information is being collected, i.e. why the agency wants/needs it;
- anyone it is the agency's usual practice to give it to; and
- if the agency is aware, anyone who they in turn will then give it to.

Making individuals generally aware of this obligation is called a 'collection notice'. This obligation is set out IPP 2 in the IP Act. It may be given verbally or in writing. It does not have to be formal or complicated. The Public Trustee must also tell the individual if there is a law authorising the collection of the information and provide some details about it. If there is no law under which the information is being collected, this obligation does not arise.

Individuals are encouraged to ask at the time of collection of their personal information if they are unclear about why their information is being collected.

## **9. Client Services**

### **9.1 Client Service Centre**

This is a reception desk for all inbound general inquiry calls. Personal information collected includes full name, date of birth and current address to identify callers and direct callers to the appropriate officer.

The centre is a central contact point responsible for the scheduling of appointments for the preparation of documents. These documents include Wills, Enduring Powers of Attorney (EPA) or General Powers of Attorney. Personal information is used to confirm the appointment and forward pre-appointment information packages. Personal information is collected to update the Client Information Management System (CIMS).

### **9.2 Disability Services and Trusts (DST)**

The Public Trustee acts as the financial administrator on behalf of clients and can be appointed as administrator by:

- Queensland Civil and Administrative Tribunal (QCAT); and
- The Supreme Court;

An EPA can appoint the Public Trustee as Attorney for capable clients and/or clients at a time of incapacity.

Appointments can be for full or limited financial administration of a client's affairs. Some clients are managed by the Disability Services and Trusts (DST) work group. The Public Trustee may also be appointed as trustee or co-trustee for newly formed trusts or existing active trusts. The beneficiaries of these trusts may be either adults or minors and in these matters we are required to act in accordance with the *Trusts Act 1973*.

The DST work group works closely with and exchanges information with other Queensland and Commonwealth departments and agencies when required (e.g. Office of the Public Guardian, Department of Communities, Medicare, Centrelink, Department of Veterans' Affairs (DVA) and Australian Taxation Office (ATO)). Sharing client information takes place solely for the purpose of performing our role and can only occur when we provide sufficient proof of authority to act on behalf of the client. A common example is when the Public Trustee, acting as financial attorney or financial administrator, contacts the ATO to request a search of a client's income tax returns to assist with the ongoing management of their affairs.

Information collected ensures that we have sufficient knowledge of our clients' personal and financial affairs to make informed decisions as financial administrator, attorney or trustee. Our roles as administrator or attorney are supported by the General Principles in the *Guardianship and Administration Act 2000* and *Powers of Attorney Act 1998* respectively. Management of clients' assets are in line with the Prudent Person Rule, section 24 of the *Trusts Act 1973*.

The DST work group uses information to:

- obtain information relevant to the administration of clients' financial affairs;
- determine financial entitlements and liabilities;
- contact clients and clients' support networks and verify clients' identities;
- manage and oversee clients' taxation, government benefits, superannuation and other matters; and
- facilitate the provision of services to clients by external providers.

This work group exchanges information internally and may disclose information to external bodies or third parties such as Commonwealth and Queensland Government agencies as required. The DST work group may also provide information to external service providers including financial institutions, aged care facilities, financial advisors and contractors.

### **9.3 Deceased Estates**

The Deceased Estates (DE) work group administers deceased estates. Its functions require the collection of personal information from both the individual prior to their passing and/or the beneficiary to verify identities of beneficiaries and facilitate distribution of deceased estate assets.

In addition to the information collected generally, the DE work group may also collect:

- details of final Will, probate or letters of administration;
- current and previous address details;
- beneficiary details, including full name, date of birth, address and relationship with deceased person;
- marital status, spouse (current and/or former) or details of de facto relationships;

- personal details of children, grandchildren, parents, siblings;
- certificates of birth, death, marriage or citizenship;
- details of financial situation, assets and liabilities or business interests;
- pension or government entitlements and taxation details;
- Medicare and Private Health Fund membership details;
- details of ongoing legal action or undischarged bankruptcy;
- employment and superannuation details;
- health records, services and information relating to an individual's capacity (including medical reports) or details of any health disability suffered by the client;
- details of professional relationships – Doctor, Accountant, Solicitor, Financial Planner.

The DE work group uses information for various purposes, including:

- accurate distribution of the deceased's estate in accordance with the Will or under the laws of intestacy;
- notifying interested parties that a person is deceased, e.g. Medicare, ATO, Superannuation Trustees;
- verifying the identity of a beneficiary and their relationship to the deceased before paying distributions from an estate; and
- identity verification required by law prior to property transfers.

The DE work group exchanges information internally and may disclose information to external bodies in the process of administering the estate. These organisations may include:

- private executors or external solicitors executing estates;
- Commonwealth agencies – Centrelink, DVA, ATO, Insolvency and Trustee, Service Australia, Australian Transaction Reports and Analysis Centre (AUSTRAC);
- State Government agencies – Department of Environment and Heritage Protection, Electoral Commission;
- financial institutions, investment organisations, funeral directors; and
- contracted agencies retained to maintain or dispose of properties, dispose of goods and chattels or assist with matters relating to the estate.

### **9.3.1 Criminal Proceeds Confiscation Unit**

The *Criminal Proceeds Confiscation Act 2002* appointed Public Trustee as court appointed receiver of assets of a respondent during the time it takes to establish if the assets either in part or in whole are the proceeds of crime and are to be forfeited to the State. This Unit was created to manage this process. Direction for confiscation is received from a Court Order to seize or recover property.

This work group shares the details of the Court Order internally with the Property work group in order to carry out the direction of the Court Order. Information may also be shared with the Crime and Corruption Commission (CCC), Department of Public Prosecutions and Queensland Police Service.

### **9.3.2 Intestacy Entitlement Unit**

The Intestacy Entitlement Unit operates within the Queensland laws of intestacy as outlined in Part 3 of the *Succession Act 1981*. This act sets out the entitlements of the next of kin of an intestate person. The work group utilises genealogy programs and archival research to establish next of kin.

In addition to the information collected generally, the work group may also collect:

- family unit structure, family tree and client relationships;

- birth, death, marriage and divorce certificates;
- copies of relevant Wills and/or Probate; and
- statutory declarations to confirm results of research and family information.

### **9.3.3 Unclaimed Moneys**

The Unclaimed Moneys work group administers unclaimed moneys for the State of Queensland. To perform this work, personal information is collected and used to create and publish the Unclaimed Moneys Register on the Public Trustee website.

The Public Trustee maintains a free online register of unclaimed moneys which can be searched by potential claimants. In addition to the information collected generally, the work group may also collect:

- documents confirming the relationship of the claimant to the lodger of the funds;
- copies of Probate;
- EPA; and
- business information to confirm rightful claims to the funds held by the Office.

In addition to the collections described, this work group may sometimes collect information from DST trust officers administering the claim on behalf of the claimant.

The Unclaimed Moneys work group uses information to:

- publish a register of persons for whom moneys are held 'unclaimed'; and
- confirm that the claimant is the rightful owner of the funds held.

This work group exchanges information internally and may disclose information to external bodies, such as AUSTRAC and the ATO, as required by law.

## **9.4 Wills Development**

The Wills work group provides advice about Wills and EPA matters to members of the public and other work groups. It also provides advice to clients about the preparation of Advanced Health Directives. The Public Trustee utilise the Queensland Government Agent Program (QGAP) including Clerks of the Court to assist with the completion of a Will or EPA in regions where we have no Regional Office. Information is predominantly collected during a client interview.

In addition to the information collected generally, this work group may also collect:

- family details;
  - marital status and name/s of spouse, current and/or former
  - children including full names, dates of birth and birth status (natural, adopted)
  - grandchildren including full names and dates of birth
  - parents, siblings or other members of family
- details of previous dealings with the Public Trustee;
- details of nominated beneficiaries, executors or attorneys;
- general information regarding financial assets and values;
- details of specific gifts, legacies or instructions to Trustees;
- details of any previous Wills or EPA or Advanced Health Directive documents;
- details of Trust Deeds for family trusts or self-managed superannuation funds; and
- information about any health matters or disabilities which could impact client capacity. (The Document Maker is required to establish the testamentary capacity of the client for whom we are preparing the document. The Document Maker will ask

questions during the interview to establish the client's testamentary capacity and may ask for a current medical report.)

This work group exchanges information internally and with external providers, such as interpreters, when required.

### **9.5 Charitable Trusts**

Public Trustee collects and uses personal information in its capacity as Trustee of five (5) major philanthropic charitable trusts in Queensland. The Charitable Trusts work group provides advice internally on matters relating to donations bequeathed to charitable trusts.

The work group also provides support to external secretariat staff and the Boards of Advice to the five trusts:

- Queensland Community Foundation (QCF);
- Lady Bowen Trust;
- Forde Foundation;
- Gladstone Foundation; and
- Queensland Aboriginal and Torres Strait Islander Foundation (QATSIF).

The Public Trustee, as trustee, invests and manages the corpus funds of each trust. This work group provides quarterly funds management information to the trusts' Boards of Advice. Distributions to the foundations from benefactors' estates are journaled and details are sent to the foundations which may request that we send the donor a thank you letter.

Personal information is used to:

- assess applications;
- seek views of a Board of Advice;
- set up distributions to an account;
- report on the work groups' functions or facilitate audit processes (as required by law);
- process charitable donations received from deceased estates and individuals;
- receive services from other internal work groups;
- provide trustee services to charities;
- make payments to board members and employees;
- make payments to creditors for services provided in relation to maintaining the trusts.

This work group exchanges information internally and may disclose information to external bodies including the Queensland Audit Office (QAO), Queensland Investment Corporation (QIC), J P Morgan and directly with the charitable foundations.

## **10. Governance and Executive Directorate**

Governance and Executive Directorate (GED) is responsible for the oversight of the governance framework and executive support services. The team also manages complaints reporting and access applications under the *Right to Information Act 2009* (RTI Act) or *Information Privacy Act 2009* (IP Act).

In the course of executive support, the directorate collects information regarding complaints from callers, emails and letters. The directorate also accesses information held in both electronic and hard copy by other work groups for the purposes of investigating and responding to complaints.

When handling RTI and IP access applications, personal information is collected in accordance with legislative requirements. The decision-making process of RTI and IP applications is currently delegated to the Right to Information & Privacy unit of the Department of Justice and Attorney General. Personal information will be supplied to this Department as part of the RTI and IP process.

GED is also responsible for managing our Administrative Access Scheme. Administrative Access Schemes are designed to give individuals access to their own personal information or to non-sensitive information, except where legislation (e.g. *Adoption Act 2009* (QLD)) prevents such release or the information contains personal information of another person. It allows access to certain types of information as a matter of course without the need for a formal application under legislative schemes such as the RTI and IP Acts.

## **11. Internal Audit**

Our Internal Audit work group conducts internal audits of our functions, activities and financial affairs based on a Strategic and Annual Internal Audit Plan.

In addition to the information collected generally, this work group may also collect:

- information required by the Crime and Corruption Commission (CCC) and Queensland Audit Office (QAO); and
- personal information from our Client Information Management System (CIMS).

Internal Audit uses information in the course of:

- assessing compliance with internal procedures; and
- determining that work groups are correctly performing their functions and activities;
- completing its audit processes as required by law; and
- facilitating provision of services by external providers.

Internal Audit exchanges information internally with, but not limited to, the Charitable Trusts, Deceased Estates, Disability Services and Trusts and the Audit and Risk Management Committee. Information is also exchanged externally with QAO, CCC and external service providers.

## **12. Office of the Official Solicitor**

### **12.1 Legal Services**

The Official Solicitor is the legal adviser to the Public Trustee. The Legal Services work group provides legal services to all other programs and to external clients.

Legal services are approached by external lawyers to be appointed as trustee or administrator for a damages award. This work group may provide administration fee quotes to those external lawyers on behalf of Client Services. These quotes are based on personal information provided by external lawyers on behalf of their clients, but who may not be our clients at that stage. Unsolicited information is handled in the same way as the personal information we collect.

In addition to the information collected generally, this work group may also collect:

- information about an individual's relatives;
- Public Guardian reports relevant to the individual;
- Queensland Civil and Administrative Tribunal (QCAT) files;
- information of a personal nature to assist with legal matters under the Public Trustee jurisdiction; and

- records of meetings with clients and other parties to legal matters.

These records are usually made by way of file notes but could also be made using audio recording.

This work group exchanges information internally as required in the course of providing legal services. The Legal Services work group also exchanges information with external bodies (e.g. other parties to legal matters, courts, tribunals, insurers, lawyers, other Queensland Government agencies or departments such as the Legal Services Commission and Department of Justice and Attorney General) and external service providers such as barristers, doctors, and occupational therapists.

From time to time, the Legal Services work group will create statutory declarations, statements and affidavits which will all contain personal information. In some cases those documents will become part of court records and be publicly available, but not always.

## **12.2 Conveyancing Services**

The Conveyancing Services work group provides commercial and property legal services (e.g. in relation to buying, selling or leasing of property and motor vehicle, chattel and bailiff auctions) to other internal work groups and our external clients which may include other Queensland Government departments. This work group also provides procurement advice to other internal work groups about legal, policy and systemic matters relating to the Office, including the procurement of goods and services and the terms on which we should do so.

In addition to the information collected generally, this work group may also collect:

- an individual's memberships in professional or trade associations; and
- Australian Business Number (ABN) or an Australian Company Number (ACN).

This work group uses information for the purposes of:

- legal and transactional property work;
- public record searches for trade licences to ensure providers are appropriately licensed; and
- facilitating the provision of services by external providers.

The Conveyancing Services work group exchanges information internally and with external bodies (e.g. Department of Public Works, Department of Environment and Resource Management, Office of State Revenue and local government councils), parties to legal matters or their agents, and external advisers such as barristers.

## **13. Corporate Services**

### **13.1 Information Services**

This work group is responsible for providing a custodial oversight function in respect of all our electronic systems including CIMS, AURION and Finance1. It provides services to our other work groups and clients. The Information Services work group uses personal information only for these purposes and to maintain the Office's internal phone and global emailing directory.

This work group exchanges information internally and may disclose information to external service providers, for example, contractors upgrading our information systems.

### **13.2 Marketing and Communication**

The Marketing and Communication work group provides public relations support including:

- maintaining our website;
- production of advertising and publications;
- managing events and media interaction; and
- internal communications support.

Additionally, personal information with the individual's consent may be used for:

- direct mail and marketing purposes; and
- distributing our newsletter or other publications.

This work group takes photographs of staff and members of the public who attend events we host. Images are used for publications. Permission is sought from individuals and a consent form is signed prior to the photograph being taken. Images are stored electronically and the consent forms filed.

This work group exchanges information internally and externally.

### **13.3 Human Resources Program**

The Human Resources Program is responsible for providing a range of services. This work group consists of three sub-programs:

- Human Resources
  - recruitment
  - payroll and remuneration
- Workplace, Environment and Business Support
  - Workplace Health and Safety, Rehabilitation
  - Establishment Management Program (EMP)
  - policy advice on terms and conditions of employment
- People and Organisational Capability
  - Learning and Development.

#### **13.3.1 Human Resources**

In addition to the information collected generally, this work group may also collect:

- employee emergency contact nominations;
- certified copies of identification from applicants and employees (e.g. birth certificate, passport);
- employee's Tax File Number;
- employee's choice of superannuation fund;
- employee's ATO or Centrelink obligations (HECS or HELP debts, child support obligations);
- individual's racial or ethnic origin (information is not mandatory);
- membership of professional or trade associations or trade union;
- criminal history record; and
- work history and qualifications and professional references.

Information collected from applicants and employees is used for:

- payroll functions;
- recruitment activities, including behavioural profiling and assessing internal and external candidate's suitability for employment;
- identity verification; and
- facilitating external services (Recruitment Services, QSuper).

The work group exchanges information internally and may exchange information with external bodies (e.g. the Queensland Police Service, Department of Justice and Attorney General, ATO, Centrelink, previous employers or referees, external service providers such as recruitment agencies and organisations such as QSuper).

### **13.3.2 Workplace, Environment and Business Support**

The Workplace, Environment and Business Support work group provides internal workplace health and safety support, rehabilitation and business support.

In addition to the information collected generally, this work group may also collect:

- medical reports and health records indicating any disabilities, including psychiatric reports;
- information relating to any health services that have been or may be provided to the individual; and
- reports provided by QSuper, WorkCover Queensland and workstation assessment reports provided by external parties.

This work group uses information for workplace health and safety and rehabilitation purposes and manages the Employee Assistance Program (EAP). The EAP is a confidential, external counselling service for our employees and eligible family members provided at no cost. The work group keeps a record of access to ensure correct billing; however, no details of the session or employee are received. Employees wishing to use the EAP contact the appointed provider directly and if additional sessions are recommended, the provider will contact the Rehabilitation Coordinator for approval. In these cases, the work group may collect information to provide approval for the additional sessions.

This work group exchanges information internally and may disclose information to external bodies such as QSuper, WorkCover Queensland and external providers of medical services such as occupational therapists and psychologists.

### **13.3.3 People and Organisational Capability**

The People and Organisational Capability work group coordinates training and development for staff and manages external third parties engaged to provide training services to the Office.

In addition to the information collected generally, this work group may also collect:

- professional or trade association membership and professional qualifications;
- details of further study, institution, course load and results for Study and Research Assistance Scheme (SARAS); and
- access requirements, health conditions and special dietary needs to be considered when an officer attends training.

This work group uses information for the purposes of:

- registering staff for external training events; and
- reimbursing staff under SARAS.

This work group exchanges information internally and may disclose information to external bodies, such as external training providers.

## **13.4 Property**

This work group provides property services to other work groups including:

- corporate property and facilities management and security services;

- property valuations and building inspections;
- commercial and residential property management;
- property clearing services for clients;
- property auctions;
- coordinating the provision of external services and suppliers;
- advice on state government Procurement Policy; and
- securing, seizing or recovery of property under criminal confiscation orders.

These services may be provided by employees, contractors or external service providers. The Public Trustee will take reasonable steps to ensure that contracted service providers will be bound to comply with the privacy principles.

In addition to the information collected generally, this work group may also collect information such as:

- membership of a professional or trade association;
- banking details; and
- ABN of a business (not personal information).

The Property group exchanges information internally and may disclose information to external bodies (external service providers such as valuers or auctioneers). Personal information related to criminal confiscation matters is not disclosed.

## **14. Finance and Investments**

### **14.1 Finance**

The Finance work group manages our internal corporate financial affairs including:

- collection of revenues and payment of liabilities;
- production of accurate, timely financial and operational reports;
- establishing and managing bank accounts;
- processing Centrelink payments for clients; and
- collecting details of clients' purchases and sales.

In addition to the information collected generally, this work group may also collect information such as:

- an individual's membership of a professional or trade association;
- proof of identity including driver's licence, Medicare Card or passport;
- Australian Business Number (ABN) or Australian Company Number (ACN); and
- Tax File Numbers and Financial Institution Account numbers.

The Finance work group uses information for the purposes of:

- verifying a client's identity;
- opening bank accounts;
- processing payments for clients and employees;
- identifying the owner of moneys deposited into a bank account as required by law; and
- assisting with processing of social security payments for clients residing overseas.

Finance exchanges information internally and may disclose information externally to Commonwealth Government agencies such as AUSTRAC, Centrelink, DVA and ATO; foreign government authorities and banking institutions.

## 14.2 Taxation

The Taxation Unit prepares and attends to the lodgement of statutory forms with the ATO for Public Trustee, controlled entities, and external clients of the Office. The work group also provides taxation advice to other internal work groups and its external clients.

In addition to the information collected generally, this work group may also collect:

- Tax File Number;
- ABN or ACN (not personal information);
- an individual's Medicare number and membership of private health insurance funds;
- information concerning any health services that have or will be provided to the individual;
- employment details;
- details of share holdings and taxation obligations; and
- details of Superannuation funds.

This work group uses information for the purposes of:

- assessment of tax obligations;
- preparing tax returns; and
- reconstruction of capital gains records.

This work group exchanges information internally and may disclose information to external bodies, such as ATO and ASIC, and service providers.

## 14.3 Investment Services

The Investment Services program is responsible for the discharge of our obligations in terms of the Prudent Person Rule (Section 24 *Trusts Act 1973*).

### 14.3.1 Funds Management

The Funds Management work group is responsible for the management of and administrative duties associated with the:

- **Public Trustee Common Fund:** Section 19 of the *Public Trustee Act 1978* requires all money coming into the hands of the Public Trustee to be held in the Common Fund. The investments of the Common Fund are controlled and managed by the Public Trust Office Investment Board.
- **Placement of External Term Deposits:** Client Services engages Investment Services to invest in funds in external term deposits in the wholesale market for defined periods as required.
- **Public Trustee Investment Funds (PTIF):** The PTIF were established by Public Trustee to provide clients with a wider range of investment options than was available through the Public Trustee Common Fund to better meet clients' longer-term financial goals.

This work group uses information from CIMS and TRIM and updates relevant investment related information as required. The work group exchanges information internally and also with external bodies such as tax advisers, financial planners, auditors, investment managers and providers of investment services for the PTIF. Protocols are established with external bodies to manage the exchange of information.

### **14.3.2 Equities**

The Equities work group assists other internal work groups (e.g., Charitable Trusts, DST and DE) with administration of:

- listed shares, securities and managed funds;
- unlisted shares and securities (e.g., overseas companies); and
- all other investable assets outside the Common Fund except for the PTIF.

The work group also manages our relationship with its external Clearing House Electronic Sub-Register System (CHES) sponsored brokers to effect confirmation, sale and transfer of listed securities.

Whilst the Equities work group does not collect client information from individuals directly, it uses personal information provided by other work groups to perform these functions and updates relevant investment related information as required.

To assist Client Services identify and verify investment assets outside the Common Fund, this work group exchanges information internally (e.g. such as with those work groups listed above) and with external bodies (e.g. our CHES sponsored brokers and share registry service providers). Protocols are established with the external bodies as to how personal information is exchanged.

### **14.3.3 Financial Planning and Technical Support**

This work group's specific functions and activities are to:

- manage our financial planning operations including the contract with the Public Trustee financial planning contractor; and
- coordinate production of financial services disclosure and advice documents and implementation of investments held externally.

This work group does not collect personal information. Client information from CIMS and TRIM EDRMS is used to verify the identity of its clients and to coordinate provision of financial services and advice to our clients by external service providers.

This work group exchanges information internally and with external bodies (e.g. ATO and financial planners) to assist Client Services (including DST, DE and Wills work groups) to identify and verify investment assets held outside the Common Fund. Protocols are established with these external bodies to cover the exchange of information noting that external financial services providers are obliged to demonstrate compliance with State and Commonwealth privacy legislation in their own right.

### **14.3.4 Custodian and Trustee Services**

Until several years ago, the Public Trustee's Custodian and Trustee work group provided custodian and trustee services to organisations and companies. These services are no longer offered to new clients. For existing clients, information is used for the purposes of:

- identifying investors;
- communicating with investors;
- facilitating the transfer of funds to investors; and
- the provision of administrative services by external providers.

This work group exchanges information internally and with external bodies such as company liquidators, responsible entities and external service providers such as lawyers.

## 15. Glossary

Probate	The official proving of a Will.
'the Office'	The office and staff of The Public Trustee of Queensland

## 16. Acronyms

ABN	Australian Business Number
ACN	Australian Company Number
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
AUSTRAC	Australian Transaction Reports and Analysis Centre – Australia's anti-money laundering and counter-terrorism financing regulator and specialist financial intelligence unit.
CHESS	Clearing House Electronic Sub-Register System
CIMS	Client Information Management System
DE	Deceased Estates – an internal work group responsible for the administration of deceased estates
DST	Disability Services and Trusts – an internal work group responsible for Financial Management on behalf of clients
DVA	Department of Veterans' Affairs
EDRMS	Electronic Document and Records Management System
EPA	Enduring Power of Attorney
GED	Governance and Executive Directorate – an internal program
OS	Office of the Official Solicitor - The Official Solicitor delivers legal services to the Public Trustee and the Queensland Government.
PID	Privacy Information Digest – this document outlines the kinds of personal information collected and held by an agency
POC	People and Organisational Capability
PTIF	Public Trustee Investment Funds
QCAT	Queensland Civil and Administrative Tribunal
QGAP	Queensland Government Agent Program – a support network of Government offices which act as agents for the Public Trustee in regional areas.
SARAS	Study and Research Assistance Scheme
TFN	Tax File Number
TRIM	Public Trustee Electronic Document and Records Management System

## ATTACHMENT A: SUMMARY OF LEGISLATION

The following Legislation requires or authorises The Public Trustee to manage personal information.

Legislation	Legal Service	Client Services				Corporate Services			Finance & Investments		Executive Directorate	
	Legal <sup>1</sup>	DST	DET <sup>2</sup>	Wills	TRST	IS	HR	PROP <sup>4</sup>	FIN <sup>5</sup>	INV	GOV	IA
<i>Accommodation Act 2008</i>	✓	✓						✓				
<i>Acquisition of Land Act 1967</i>	✓											
<i>Adoption Act 2009</i>	✓	✓	✓	✓								
<i>Adoption Regulation 2009</i>	✓		✓									
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)</i>	✓								✓	✓		
<i>Associations Act 2009</i>	✓		✓									
<i>Body Corporate and Community Management Act 1997</i>	✓	✓	✓					✓				
<i>Carer Recognition Act 2008</i>	✓	✓					✓					
<i>Charitable Funds Act 1958</i>	✓		✓	✓	✓					✓		
<i>Child Protection Act 1999</i>	✓	✓	✓									
<i>Child Protection (International Measures) Act 2003</i>	✓	✓										
<i>Civil Liability Act 2003</i>	✓											
<i>Collection Act 1966</i>	✓		✓	✓	✓					✓		
<i>Companies (Acquisition of Shares)(Application of Laws) Act 1981</i>	✓									✓		
<i>Corporations Act 2001(Cth)</i>	✓		✓							✓		
<i>Criminal Proceeds Confiscation Act 2002</i>	✓	✓	✓					✓				
<i>Criminal Proceeds Confiscation Regulation 2002</i>			✓					✓				
<i>Disposal of Uncollected Goods Act 1967</i>	✓		✓					✓				
<i>Duties Act 2001</i>	✓								✓			
<i>Family Law Act 1975 (Cth)</i>	✓	✓	✓	✓								
<i>Financial Accountability Act 2009</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
<i>Financial Accountability Regulation 2009</i>									✓			✓
<i>Financial and Performance Management Standard 2009</i>									✓			✓
<i>Gaming Machine Act 1991</i>	✓							✓	✓			

Legislation	Legal Service	Client Services				Corporate Services			Finance & Investments		Executive Directorate	
	Legal <sup>1</sup>	DST	DET <sup>2</sup>	Wills	TRST	IS	HR	PROP <sup>4</sup>	FIN <sup>3</sup>	INV	GOV	IA
Legislation	Legal Service	Client Services				Corporate Services			Finance & Investments		Executive Directorate	
Legislation	Legal <sup>1</sup>	DST	DET <sup>2</sup>	Wills	TRST	IS	HR	PROP <sup>4</sup>	FIN <sup>3</sup>	INV	GOV	IA
<i>Guardianship and Administration Act 2000</i>	✓	✓	✓						✓	✓		
<i>Income Tax Assessment Act 1936(Cth)</i>	✓	✓	✓		✓		✓		✓	✓		
<i>Information Privacy Act 2009</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Land Sales Act 1984</i>	✓	✓	✓					✓				
<i>Land Title Act 1994</i>	✓	✓	✓					✓				
<i>Legal Profession Act 2007</i>	✓		✓									
<i>Local Government Act 2009</i>	✓							✓				
<i>Manufactured Homes (Residential Parks) Act 2003</i>	✓							✓				
<i>Mineral Resources Act 1989</i>	✓							✓				
<i>Mixed Use Development Act 1993</i>	✓							✓				
<i>Motor Accident Insurance Act 1994</i>	✓							✓				
<i>Personal Injuries and Proceedings Act 2002</i>	✓	✓								✓		
<i>Police Powers and Responsibilities Act 2000</i>	✓											
<i>Powers of Attorney Act 1998</i>	✓	✓	✓	✓						✓		
<i>Privacy Act 1998 (Cth)</i>	✓	✓	✓	✓	✓			✓	✓			
<i>Property Agents and Motor Dealers Act 2000</i>	✓	✓	✓					✓				
<i>Property Law Act 1974</i>	✓	✓	✓					✓				
<i>Public Interest Disclosure Act 2010</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Public Officers Superannuation Benefits Recovery Act 1988</i>	✓		✓				✓					
<i>Public Records Act 2002</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
<i>Public Service Act 2008</i>	✓						✓					
<i>Public Sector Ethics Act 1994</i>	✓						✓					
<i>Public Trustee Act 1978</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Relationships Act 2011</i>	✓	✓	✓	✓			✓		✓			
<i>Residential Services (Accreditation) Act 2002</i>	✓	✓	✓					✓				
<i>Residential Tenancies and Rooming Accommodation Act 2008</i>	✓	✓	✓					✓				
<i>Right to Information Act 2009</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Legislation	Legal Service	Client Services				Corporate Services			Finance & Investments		Executive Directorate	
	Legal <sup>1</sup>	DST	DET <sup>2</sup>	Wills	TRST	IS	HR	PROP <sup>4</sup>	FIN <sup>5</sup>	INV	GOV	IA
Legislation	Legal Service	Client Services				Corporate Services			Finance & Investments		Executive Directorate	
	Legal <sup>1</sup>	DST	DET <sup>2</sup>	Wills	TRST	IS	HR	PROP <sup>4</sup>	FIN <sup>5</sup>	INV	GOV	IA
<i>Second-hand Dealers and Pawnbrokers Act 2003</i>	✓							✓	✓			
<i>Social Security Act 1991 (Cth)</i>	✓	✓	✓						✓	✓		
<i>Status of Children Act 1978</i>	✓		✓									
<i>Status of Children Regulation 2012</i>	✓		✓									
<i>Storage Liens Act 1973</i>	✓	✓	✓						✓			
<i>Succession Act 1981</i>	✓	✓	✓	✓					✓			
<i>Supreme Court of Queensland Act 1991</i>	✓	✓	✓	✓	✓			✓	✓	✓		
<i>Taxation Administration Act 1953 (Cth)</i>	✓	✓	✓		✓		✓	✓	✓	✓		
<i>Trust Accounts Act 1973</i>	✓	✓	✓	✓	✓				✓	✓		
<i>Trusts Act 1973</i>	✓	✓	✓	✓	✓				✓	✓		
<i>Valuers Registration Act 1992</i>	✓							✓				
<i>Work Health and Safety Act 2011</i>	✓						✓					
<i>Work Health and Safety Regulation 2011</i>	✓						✓					
<i>Workers' Compensation and Rehabilitation Act 2003</i>	✓						✓					
<i>Workers' Compensation and Rehabilitation Regulation 2003</i>	✓						✓					
<i>Youth Justice Act 1992</i>	✓	✓										

1 Legal includes Conveyancing

2 DE includes Unclaimed Monies, Criminal Proceeds Confiscation and Intestacy Entitlement Unit

3 IS includes Records Management

4 PROP includes Marketing

5 FIN includes the Tax Unit

Legend

DST Disability Services

DET Deceased Estates

TRST Charitable Trusts

IS Information Services

HR Human Resources

PROP Property

FIN Finance

INV Investments

GOV Governance

IA Internal Audit