



The Public Trustee

Administrative Access Policy and Procedure

June 2020



Document Information

Approved

Name	Position	Signature	Date
Samay Zhouand	A/Public Trustee of Queensland and CEO	Signed copy held on file	25/06/20

Endorsed

Name	Approval	Date
Executive Director, Strategy & Governance	Signed copy held on file	24/06/20

Contact

Policy Owner:	Governance and Risk Directorate
Contact Details:	governance@pt.qld.gov.au
Document Status:	Final
File:	D20/16354

Revision History

Version	Date	Revised By	Change
1.0	June 2020	Privacy Officer	Initial draft and consultation

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1. Purpose

- To advise of the requirements to be met when applying for administrative access to a document in the possession, or in the control of¹, the Public Trustee (PT) without the need for formal application under the *Right to Information Act 2009* (RTI Act) or the *Information Privacy Act 2009* (IP Act).
- To detail the procedure for the administrative release of documents to individuals or businesses requesting access.

2. Background

Administrative access is designed to facilitate access to non-sensitive information, or an individual's own personal information.

Administrative release is a discretionary internal process. However the framework for administrative release is based on the same philosophy underpinning the RTI Act and the IP Act.

The Acts affirm the importance of administrative access schemes in encouraging disclosure and providing access to information. Where material contains the personal information of another person, consideration must be given to the disclosure rules contained in the Information Privacy Principles (IPP) in the IP Act.

Administrative access schemes are generally reactive, responding to requests for information when received, but also include proactive schemes for disseminating information in advance of requests, such as our publication scheme and disclosure log.

3. Aim

To maximise information flow, while also protecting personal and confidential information, the release of which could cause harm. Also to:

- assist staff to understand their roles and responsibilities in relation to the proactive release of information;
- create confidence in staff to release information;
- increase agency responsiveness to requests for information;
- ensure the public understanding of how administrative access works in the PT; and
- ensure information is provided in accordance with PT policies and legislative requirements which consider the content of the document and factors supporting release or withholding of information.

4. Scope

This policy applies to all PT employees (whether permanent, part-time, full time, casual or contractors), customers, and members of the public.

5. Policy Framework

This Administrative Access Policy and Procedure aligns with our policy framework as follows:

- The PT **Right to Information and Information Privacy Access Policy and Procedure** details how we manage applications for access under the RTI Act and access or amendment applications under the IP Act.
- The PT [Information Privacy Plan](#) explains how we meet our privacy obligations under the IP Act.

6. Policy Provisions

6.1 When is administrative access appropriate?

Administrative Access is appropriate where any of the following apply:

¹ A document is in the possession of an agency or Minister (or the Minister's consultant or staff member) if it is in their physical possession. A document is in the control of an agency or Minister if they have a legal right to control the document.

- there is demand for access to the requested information.
- there are no significant adverse effects as a result of disclosing the information, either generally or to particular applicants.
- the information is of a kind that would be released if it was requested under the RTI Act, either generally or to particular applicants.

6.2 Current administrative release arrangements

The types of documents that may be suitable for administrative release include those:

- provided to the agency by the person seeking access to them (e.g. correspondence sent to the agency from the requester);
- provided by the agency to the person seeking access to them (e.g. previous correspondence sent by the agency to the requester);
- which the PT have a duty to provide (eg. a customer, an executor, a financial administrator)
- which are publicly available; or
- which are routinely made available by the agency.

Other, more specific, enquiries are handled through existing administrative release arrangements:

Type of Enquiry	Release Mechanism	Reference
Copies of Wills	Administrative access through Customer Experience & Delivery	DE Manual: Family Provisions at 21.4
Family history (Genealogical) information	Administrative access through Governance and Risk Directorate	Administrative Access Policy and Procedure
Financial Management Documents with revocation of authority or death of customer	Administrative access through Customer Experience & Delivery Governance and Risk Directorate to assist in more complex matters	FM Manual: Release of Control: Revocation of Authority / Death of Customer at 59.1
Request for historical records where the individual is no longer a customer	Administrative access through Governance and Risk Directorate	Administrative Access Policy and Procedure
Policy documents	Online access, inspection or purchase	PT website - Publication Scheme
Information about us, our services, finances, priorities, decisions and lists (registers)	Proactive disclosure through Publication Scheme	PT website - Publication Scheme
Information released through RTI access applications	Published if required in the PT Disclosure Log	PT website - Disclosure Log

Refer to **Attachment One: Administrative Access Frequently Asked Questions** for examples of administrative release

6.3 Making a request for access to documents

Requests for information relating to current matters may be made directly to the Trust Officer or staff member dealing with the customer, as per the table above in 6.2.

Other requests for access to documents in the possession of, or in the control of, the PT, must be made in writing to:

Governance & Risk Directorate
The Public Trustee
444 Queen Street
GPO Box 1449
BRISBANE QLD 4001

Phone: 07 3564 2103

Email: governance@pt.qld.gov.au

6.4 Evidence of identity

Evidence of identity or authority for an applicant may have already been established through administrative processes, e.g. under Deceased Estate Management and Financial Management guidelines and/or ongoing contact by the PT with the individual. The PT also utilises a formal procedure in relation to Wills and Enduring Powers of Attorney (applicants are required to provide 100 points of identification to satisfy our evidence of identity requirements – [Wills Officer Manual 8.4.13](#)).

For all other applicants, appropriate identification which has been certified by a Justice of the Peace, Commissioner for Declarations or Solicitor as a true copy of the original, will be requested in order to consider access.

In circumstances where the applicant is not the customer, but may be entitled to access documents, e.g. to a Will through s.33z of the *Succession Act 1981*, appropriate evidence of the relationship will also need to be provided, e.g. Birth Certificate, Death Certificate, etc.

6.5 Fees and charges

Charges for providing administrative access are kept to a minimum. There is no application fee for administrative access requests. Documents provided in a digital format (pdf) will incur no charge. However, requests for paper copies of documents may attract a charge of 25 cents per page for photocopying.

6.6 Review rights

There are no review rights if access is refused to information/documents other than through the PT [complaints management process](#). If the applicant is dissatisfied with the response to their administrative request for information, they have a right to apply for access to the information under the RTI Act or IP Act.

6.7 Transferring applications

If an application which is stated to be made under the RTI/IP Acts, but which covers documents to which an applicant would obtain full access under an administrative access scheme, the applicant will be advised of this fact. If they agree, the application will be diverted to the administrative access scheme, rather than going through the formal RTI/IP process.

If the requested documents are not disclosed in full under the administrative release scheme then the applicant must be advised of their rights to apply for access under the RTI Act or the IP Act.

If the reverse happens, and we receive a request for administrative access of information which would more appropriately be handled through the RTI process, the applicant will be contacted and their request will be directed to the process of access under the RTI Act or IP Act.

7. Policy Review

This policy will be reviewed every 2 years or when legislative changes require a review.

Attachment One: Administrative Access Frequently Asked Questions

Who can request information contained in Public Trustee files?

Any individual may make enquiries about their personal information or other information they wish to access.

What do we need to consider before providing access?

The Public Trustee is obliged to consider the Information Privacy Principles of the *Information Privacy Act 2009* (IP Act) which set out the rules for how personal information is to be collected, stored, used and disclosed by the Public Trustee.

Other legislation that should be considered is referenced in the Administrative Access Policy and Procedure.

What information are individuals entitled to?

If a person seeks access to information that is their own personal information, e.g. held in their financial management file at the Public Trustee, they are generally entitled to receive a copy of this information.

In deceased estates, a beneficiary would normally be entitled to access documents relevant to the assets making up their interest in the estate.

A newly appointed financial administrator of a financial management customer would be entitled to the financial management files held by Public Trustee.

An executor with a Grant of Probate or Letters of Administration would be entitled to the financial management files held by Public Trustee for a deceased customer.

An individual seeking a copy of their trust record as a minor would generally be entitled to receive a copy of this information.

Generally, Legal Invoices are able to be released to those who would be entitled to an itemised invoice for the engagement of the Official Solicitor by the Public Trustee, where the costs associated with the legal work were paid from the finances of the client or their estate.

What are they not entitled to?

Unless the entitlement relates to an appointed role (trustee, executor, financial administrator) any documents that contain personal information of other individuals e.g. bank accounts, contact numbers and addresses or other information that may be considered sensitive.

In some cases the whole document should be excluded, other times it is sufficient to redact the personal information.

Further information

Please email governance@pt.qld.gov.au or call (07) 3564 2103 if you require clarification or further assistance with releasing information.