



The Public Trustee

Information Privacy Complaints Management Policy and Procedure

November 2018



Document Information

Approved

Name	Position	Signature	Date
Peter Carne	The Public Trustee of Queensland	Signed	11.03.19

Endorsed

Name	Approval	Date
Josephine Giles	Senior Director Governance and Risk Directorate	04.12.18
Executive Management Team	Endorsed Version 1.1 at meeting	04.12.18

Contact

Policy Owner:	Governance and Risk Directorate
Contact Details:	governance@pt.qld.gov.au
Document Status:	Review
File:	D19/2509

Revision History

Version	Date	Revised By	Change
0.1	24/10/2012	Principal Governance Officer	Document Created
1.1	November 2018	Privacy Officer	Reviewed and updated

Table of Contents

Table of Contents	3
1. Purpose	4
2. Application	4
3. Policy Statement.....	4
4. What is a privacy complaint.....	4
5. Compliance with the Privacy Principles	5
6. Making the privacy complaint.....	5
7. Process.....	5
9. Privacy Contact Officer	6
10. Anonymous privacy complaints.....	7
11. Policy review and evaluation	7

1. Purpose

The purpose of this policy and procedure is to:

- Provide individuals with information about making a privacy complaint to the Public Trustee under the *Information Privacy Act 2009* (IP Act);
- explain the process to be followed when a privacy complaint is made; and
- ensure that the Public Trustee complies with the privacy complaints process within the IP Act.

2. Application

This policy applies to:

- all employees of the Public Trustee, including permanent and temporary employees engaged under the *Public Service Act 2008*.
- other parties not defined by the *Public Service Act 2008*, who have been authorised by the Public Trustee, through formal agreement, to perform activities or duties or provide a service or services on behalf of the Public Trustee.
- clients of the Public Trustee and any individual who has concerns about the way the Public Trustee has dealt with their personal information.

This policy should be read in conjunction with the [Public Trustee Complaints Management Policy](#).

3. Policy Statement

The Public Trustee is committed to maintaining a culture of accountability and transparency when handling personal information by ensuring that:

- all personal information is managed with integrity and that the Public Trustee adheres to the 11 Information Privacy Principles (IPPs) contained in the IP Act.
- privacy complaints are properly assessed and where appropriate, dealt with, reviewed or investigated thoroughly and impartially.
- individuals are provided the opportunity to access and amend their personal information held by the Public Trustee.
- regular assessment and review of personal information collection tools, procedures and systems are conducted to assess compliance with the IP Act.
- all privacy complaints received by the Public Trustee are managed in a responsive manner and that complainants are treated with respect throughout the complaints management process.

4. What is a privacy complaint

A *privacy complaint* is a complaint by an individual about an act or practice of the Public Trustee in relation to the individual's personal information that is a breach of the Public Trustee's obligations under the IP Act. Under section 12 of the IP Act 'personal information' is defined 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.'

5. Compliance with the Privacy Principles

The Public Trustee must comply with the IP Act when handling personal information, including how it is collected, stored, accessed, used and disclosed. The 11 IPPs of the IP Act set out the Public Trustee's obligations regarding how personal information must be managed.

The [Information Privacy Plan](#) outlines how the Public Trustee manages personal information in accordance with the Principles of the IP Act.

6. Making the privacy complaint

If an individual believes the Public Trustee has dealt with their personal information in a way that is not consistent with the IPPs they have the right to make a privacy complaint to the Public Trustee. Privacy complaints should:

- be in writing;
- include an address (email or postal) so the Public Trustee can reply in writing;
- be about the individual's personal information (not someone else's); and
- give specific detail about the individual's concerns/issues with how the Public Trustee has handled their personal information.

In order to properly and efficiently investigate and respond to the complaint, the individual information provided should be sufficient to enable the Public Trustee to understand the nature of the complaint, the impact it has had on the person and the outcome they are seeking.

The complainant should attach copies of any documents they consider may assist the Public Trustee to investigate their privacy complaint.

In the course of conducting the investigation, it may be necessary to disclose the nature of the privacy complaint and the individual's identity to relevant business areas within the Public Trustee and third parties. The complainant can advise if they do not wish for the Public Trustee to do this, however, this may mean the Public Trustee cannot properly investigate and resolve the privacy complaint. Privacy complaints should be marked '*Private and Confidential*' and forwarded to:

By email: complaints@pt.qld.gov.au

By mail: Senior Director, Governance & Risk Directorate
The Public Trustee
GPO Box 1449
Brisbane QLD 4001

7. Process

All privacy complaints or enquiries about privacy complaints received by the Public Trustee must be immediately referred to the Privacy Officer or Manager, Privacy and Complaints, Governance and Risk Directorate.

Privacy complaints will be managed in accordance with this policy and procedure and, pursuant to section 166 of the IP Act, a privacy complaint must be made to the Public Trustee in the first instance.

When the Public Trustee receives a privacy complaint:

1. An acknowledgement will be sent to the complainant within 5 business days of the receipt of the privacy complaint. To make sure the personal information of the person is protected, the Public Trustee may take precautions to verify the identity of the complainant, If the Public Trustee requires further information, contact will be made with the complainant.

2. The Public Trustee will conduct an investigation which may include seeking further information from the complainant, gathering evidence, assessing written material, submissions and documentation, conducting interviews, and seeking specialist advice.
3. If the privacy complaint is complex or requires extensive work and consultation, the Public Trustee may not be able to respond within 45 business days. If this happens, contact will be made with the complainant to provide further advice about timeframes.
4. At the conclusion of the investigation of the complaint, a written response will be provided to the complainant outlining the key findings and the recommendations made concerning the complaint.
5. If a complainant is not satisfied with the response or does not receive one within 45 business days, they may refer their complaint to the Office of the Information Commissioner (OIC).

The OIC is an independent statutory authority empowered under the *Information Privacy Act 2009* to mediate and resolve privacy complaints where the complainant has previously lodged a complaint with a government agency, but remains dissatisfied with the outcome of that process.

Information about making a complaint to OIC may be accessed by visiting their website at: www.oic.qld.gov.au.

Strict confidentiality will be maintained at all times in relation to the reporting and investigation of privacy complaints. All documentation relating to complaints will be stored in a confidential file and secured in a locked area.

8. Roles and Responsibilities

The following roles in the Public Trustee have these responsibilities in regards to privacy complaints:

Role	Responsibilities
Any Public Trustee Officer at the initial enquiry	Identify a potential privacy breach, concern or complaint and escalate to their supervisor/manager or to the Governance and Risk Directorate (GRD).
Managers / Regional Managers	Ensure that employees are aware of their obligations in relation to information privacy and the requirements of this policy and procedure.
Senior Director Governance and Risk Directorate	<ul style="list-style-type: none"> • Oversight of the Information Privacy Complaints Management Policy and Procedure. • Appoint Public Trustee officer or external investigator to investigate a privacy complaint.
Manager, Privacy & Complaints	<ul style="list-style-type: none"> • Ensure that appropriate internal reporting for privacy complaints is in place and there is a communication strategy for raising staff awareness about Public Trustee's policy and procedure for privacy complaints; • Liaise with the Office of the Information Commissioner in relation to privacy matters referred to that office.
Privacy Officer	Provide a central contact point for staff, clients and members of the public in relation to information privacy matters.

9. Who to contact

For general enquiries concerning privacy related matters the Public Trustee's Privacy Officer can be contacted by telephone on (07) 3564 2103 or by email at governance@pt.qld.gov.au

10. Anonymous privacy complaints

The Public Trustee will accept and consider anonymous privacy complaints or privacy concerns about the way the Public Trustee manages personal information.

11. Policy review and evaluation

This policy and procedure will be reviewed by the Senior Director, Governance and Risk every two years or more frequently as required.