

Office of the Public Guardian

Privacy Statement

The Office of the Public Guardian is an independent statutory office established to promote and protect the rights, interests and wellbeing of adults with impaired decision-making capacity, and children and young people in the child protection system. This policy outlines our ongoing obligations to you in respect of how we manage your personal information.

We respect your right to privacy under the [Information Privacy Act 2009](#) (the Privacy Act) which regulates how Queensland Government departments, ministers and public authorities manage personal information. [Information Privacy Principles \(IPPs\)](#) contained in the Privacy Act, govern the way in which we collect, use, disclose, store, secure and dispose of your Personal Information. A copy of the Information Privacy Principles may be obtained from the website of The Office of the Queensland Information Commissioner at www.oic.qld.gov.au

The Public Guardian is also authorised to collect, use and disclose information in accordance with the following legislation:

- [Public Guardian Act 2014](#)
- [Guardianship and Administration Act 2000](#)
- [Powers of Attorney Act 1998](#)

What is Personal Information and why do we collect it?

Personal information is information or an opinion that identifies an individual. Examples of personal information we collect includes: names, addresses, email addresses, phone numbers and dates of birth. It can also include information about your health and decision making capacity.

This personal information is obtained in many ways including interviews, correspondence, by telephone, by email, via our website, from other publicly available sources and from third parties such as the Queensland Civil and Administrative Tribunal (QCAT). Where information is obtained from a third party we will take reasonable steps to ensure that you are made aware of the information provided to us by the third party.

We collect your personal information for the primary purpose of carrying out our legislative functions, obligations and exercising our powers. This includes:

- advocating for children and young people,
- advocating and making decisions for adults with impaired decision making capacity,
- providing a community visitor program, and
- performing investigations into allegations of abuse, neglect or exploitation.

When we collect Personal Information we will, where appropriate and where possible, explain to you why we are collecting the information and how we plan to use it.

Disclosure of Personal Information

The Public Guardian is authorised by the *Guardianship and Administration Act 2000* and the *Public Guardian Act 2014* to use and disclose your personal information to someone else when:

- you provide consent to the use or disclosure;
- to help us to do our job and perform our functions;
- to prevent a serious risk to life, health or safety;
- to process and respond to any concerns or complaints you raise;
- where required or authorised by another law or regulation;
- for legal proceedings or if authorised by a court or tribunal;
- to obtain legal or financial advice on your behalf;
- to obtain counselling, advice or treatment on your behalf;
- to assist the public advocate in the performance of their functions under the Guardianship Act; or
- for research purposes.

Your rights to confidentiality and privacy are protected by law.¹ Your personal information will only be shared when the Public Guardian is legally allowed to do so. At all times your right to confidentiality of the information about you is recognised and taken into account when making a decision to disclose any personal information about you.

Information Exchange with Other Agencies

Sometimes we need to share your personal information with other agencies. In all circumstances, any information that we share will be done so in accordance with the law. Information that is shared with other organisations will only be the minimum information necessary to carry out our legal obligations. We will never share your information with other organisations for marketing, market research or commercial purposes.

We are regularly required to provide information to the Public Trustee, the Public Advocate, the National Disability Insurance Scheme, the Quality and Safeguarding Commission, the Department of Public Housing and Works, the Department of Communities, Disability Services and Seniors and the Department of Child Safety, Youth and Women in circumstances where they are authorised by law to receive your information.

Information may also be shared with organisations including, but not limited to:

- The police
- Local authorities
- Prisons or probation services
- Hospitals and health services
- The Office of the Chief Psychiatrist

If you are worried or concerned about the use or disclosure of your information you can contact us directly to discuss your concerns using the contact details at the end of this document.

¹ *Guardianship and Administration Act 2000*, Schedule 1; *Public Guardian Act 2014*, ss.60, 83, 140(2).

Child Protection

The Public Guardian is committed to the protection of the rights and interests, wellbeing and safety of children and young people. We are authorised to disclose confidential information about a child or their circumstances to a prescribed entity to protect their rights and interests. This includes providing information to Child Safety for the purposes of the *Child Protection Act 1999* e.g. reporting to Child Safety the suspected harm/ risk of harm to a child or young person.

Families and Carers

It is recognised that the participation of families and carers offers the best outcomes and enhances your wellbeing. Family members and carers often have vital information that can help the Public Guardian make decisions for an adult or perform child advocacy functions for a child/young person in the child protection system.

If your family/carers have information that may assist the Public Guardian to achieve a full and accurate assessment of your circumstances, either initially or at a later stage, that information can be provided at any time to the Public Guardian.

The Public Guardian has a responsibility not to disclose your confidential information other than in accordance with the legislation. Achieving the balance in meeting your confidentiality needs and those of family and carers can be difficult for all concerned.

If you are able to agree (we call this consent) for us to share information with a family member or carer, we will seek to obtain that consent from you prior to sharing your information. In all other circumstances we will disclose information only as authorised by law.

Security of Personal Information

Your Personal Information is stored in a manner that reasonably protects it from misuse and loss and from unauthorised access, modification or disclosure. The personal information we collect is stored by us in accordance with the *Public Records Act 2002*. This means that unless we are authorised to destroy your information, it will be stored indefinitely.

Access to your Personal Information

You may access the personal information we hold about you, update and/or correct it, subject to certain exceptions. If you wish to access your personal information, please contact us by phone or in writing using the contact details at the end of this document. If you need assistance to apply for your information, we are happy to arrange a support person to help you.

In order to protect your Personal Information we may require identification such as a photocopy of your passport or driving licence from you before releasing the requested information.

There may be instances where we cannot grant you access to the personal information we hold. For example, we may need to refuse access if granting access would be detrimental to your safety and wellbeing. If that happens, we will give you written reasons for any refusal.

You may also wish to apply for your own, or someone else's, personal information under the [Right to Information Act 2009](#). You can submit a Right to Information application directly to the Office of the Public Guardian in writing or by email.

Your application must:

- Be in writing in the approved form
- Provide an address to which a notification of the decision may be sent
- Provide sufficient information to identify the documents requested
- Be addressed to the Right to Information and Information Privacy Manager (*address details can be found below*)

If you need help with this process please contact us so that we may assist you and provide support. From 1 July 2017, your application may incur an application fee of \$48.00. Please contact the Right to Information and Information Privacy Manager prior to forwarding any payment.

There may be instances where we cannot grant you access to the personal information we hold under RTI. If this is the case you will be informed in writing and told why the information cannot be disclosed.

Maintaining the Quality of your Personal Information

We will take reasonable steps to make sure that your personal information is accurate, complete and up-to-date. If you find that the information we have is not up to date, is incomplete or is inaccurate, please advise us as soon as possible so that we can update our records and ensure that we can continue to provide quality services to you.

Cookies

We use cookies to collect anonymous statistical information, including:

- your browser, computer platform and screen resolution
- your traffic patterns through our site, such as:
 - the date and time of your visit
 - the pages and documents accessed
 - the website you visited before ours
 - your server address.

We do not identify users or any browser activity outside this website, except in the unlikely event of an investigation, where a law enforcement agency may have a warrant to inspect activity logs.

Transactional services available from this site may use cookies to track business processes. Please read the particular service's privacy and security statement before beginning a transaction.

Website analytics

We use Google Analytics (including display advertising features) on our website to gather anonymous information about visitors to our website. When you visit our web pages, your browser automatically sends anonymous information to Google. Examples of the information include the web address of the page that you're visiting, your IP address and demographic information. Google may also use

cookies. We use this data to analyse the pages that are visited, to improve your experience and make sure our website is useful.

You can read more about [how Google uses data](#). You can choose not to allow Google to collect your information by [opting out of Google Analytics](#) or specifically opt out of [Google Analytics display advertiser features](#).

Security

Parts of this site transmit information securely across the internet. However this is not always feasible. We recognise that there may be risks transmitting information across the internet. We will notify you where personal information is not transmitted securely.

Where this site contains links to other Queensland Government agencies' websites, the privacy or security terms set out there will apply to the material on the websites. Where this site contains links to non-Queensland Government websites, the Queensland Government is not responsible for the privacy or security practices or the content of any such websites.

Privacy Policy Complaints and Enquiries (including RTI applications)

If you have any queries or complaints about our Privacy Policy or wish to apply for a copy of your own, or someone else's personal information please contact us at:

Right to Information and Information Privacy Manager
Office of the Public Guardian
PO Box 13554
George Street, QLD 4003

Call: 1300 653 187

Fax: 07 3239 6367

Email: OPG-Executive@publicguardian.qld.gov.au