

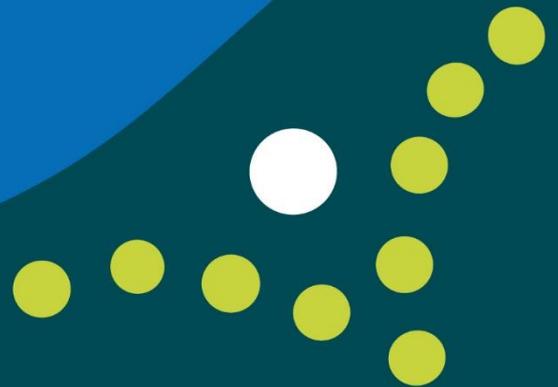


public guardian

Queensland

# OPG Privacy Policy

*July 2025*



## Acknowledgement of Country

The Office of the Public Guardian acknowledges the Traditional Custodians throughout Queensland of the lands on which we leave a footprint. We acknowledge and pay our respects to their Elders, past, present and emerging.

We recognise you, the First Nations people and your continuing connection to the land, sea and waterways and acknowledge your ongoing contribution in caring for Country since time immemorial. We acknowledge your Dreamtime stories and your ancient and recent history of struggles, your strength of perseverance towards overcoming adversities and your resolve towards maintaining survival of the oldest living cultures on Earth.

## Acknowledgement of living and lived experience

We acknowledge the living and lived experience of our clients, whose rights and interests we strive to promote and protect. We thank them and their support networks for engaging with us while we strive to achieve the best possible outcomes for the people we serve. We also acknowledge the living and lived experience and expertise of our staff who directly support adults with impaired decision-making ability and vulnerable children and young people in either a professional or private capacity.

## Artwork acknowledgement

The OPG brand reimagines elements from within the Birrang artwork, complementing the artwork's story. The artwork Birrang (Journey) shows the journey of the OPG's clients who are adults with impaired decision-making ability and children and young people in care with OPG using the Aboriginal symbol for journeys. It features a campsite at each end of the journey representing a sense of stability when there is lots of change occurring. Various symbols in the background represent the Indigenous community's connection to Country that impacts our personal journeys and the arrows at either end of the journey symbolise overcoming adversity which often occurs for people that the OPG supports.



**Birrang** (Journey)  
by Jordana Angus

## Disclaimer

The views or opinions in this document do not necessarily reflect the views of the Department of Justice and Attorney-General or the Queensland Government. Every effort has been made to ensure this document is accurate, reliable and up to date at the time of publication, however the Office of the Public Guardian will not accept any responsibility for loss caused by reliance on this information.

## Interpreter service



We are committed to providing accessible information to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty understanding this document, you can contact us on 1300 653 187 and we will arrange an interpreter to effectively communicate the report to you free-of-charge.

## Licence

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## About this policy

The *Information Privacy Act 2009* (IP Act) requires entities bound by the Queensland Privacy Principles (QPPs) to have a privacy policy. This Privacy Policy outlines the way OPG handles personal information. This policy is written in simple language.

This Privacy Policy applies to all our officers and meets our obligations under the IP Act, QPP 1, Open and transparent management of personal information. A basic guide to the Queensland Privacy Principles is linked [here](#).

In this document 'your information' means your personal information and your sensitive information.

## Overview

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 collect, use, disclose and hold personal information to exercise functions and powers under the following legislation:

- *Public Guardian Act 2014*
- *Guardianship and Administration Act 2000*
- *Powers of Attorney Act 1998*

In some cases, it may be possible for you to interact with us under a pseudonym (an assumed name) or anonymously (where you are not identified at all). We will let you know if corresponding this way with us will limit the services we can provide or the information we can give you. However, for most of your interactions with us, we need your name, contact information and enough information to help us deal with the matter properly.

## Our functions and responsibilities

The purposes for which we collect personal information are aligned with our functions and responsibilities. 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.<sup>1</sup>

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 other agencies such as the Public Trustee, the Public Advocate, the National Disability Insurance Scheme, the Quality and Safeguarding Commission, the Department of Public Housing and Works, and the Department of Families, Seniors, Disability and Child Safety 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
- The State Coroner

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.

### 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.

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<sup>1</sup> *Guardianship and Administration Act 2000*, s.249A; *Public Guardian Act 2014*, ss.83, 140(2).

## 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.

## We collect openly and transparently

We collect your personal and sensitive information fairly, openly, and transparently. When we collect your information, and unless the law allows or requires us not to, we will give you, or direct you to, a privacy statement which tells you we are collecting your personal and/or sensitive information, explains why and what for, where we will store it, and who we will give it to. Our privacy statement will tell you how to access and correct your information, and how to make a privacy complaint to us. We are committed to the fair and transparent collection of your personal information, and we comply with QPP 5 when we are collecting your personal information.

## We collect sensitive information

We may collect sensitive information about you to perform our functions, exercise our powers, and meet our responsibilities. Sometimes we collect this information from you. Sometimes we may collect sensitive information from someone else. The IP Act gives a full list of what is sensitive information. Sensitive Information is information or an opinion about your:

1. racial or ethnic origin; or
2. political opinions; or
3. membership of a political association; or
4. religious beliefs or affiliations; or
5. philosophical beliefs; or
6. membership of a professional or trade association; or
7. membership of a trade union; or
8. sexual orientation or practices; or
9. criminal record;

that is also personal information; or

- a. health information about an individual; or
- b. genetic information about an individual that is not otherwise health information; or

- c. biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- d. biometric templates.

## We collect personal information

Personal information is information about a living person. The IP Act defines personal information as information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion, whether the information or opinion is true or whether the information or opinion is recorded in a material form.

We will collect your personal information such as your name, date of birth, and contact details to verify your identity.

We may also collect information about your personal circumstances to help inform our decisions and provide you with the best outcomes we can.

We aim to limit our collection of your personal and sensitive personal information to only the information we need to carry out our powers, functions, and official duties.

In some cases, we may be authorised or required under legislation or policy to collect proof of your identity before we can give you information you request.

### Indirect collection

We may collect your information indirectly, either through publicly available sources, or from someone else. We may collect your personal and sensitive information from your authorised representative, if you have one, applicants, complainants, respondents to a complaint, investigation, application, and other government agencies including State and Territory authorities, other complaint bodies or law enforcement bodies.

We would ordinarily collect your information in this way to handle a complaint or application, in the exercise of our statutory powers and functions and with your permission.

We commit to taking all reasonable steps to notify you about the collection of your personal and sensitive information and ask your permission to collect your sensitive information from you and your personal information from someone else.

## Website collection

### Cookies

Our website uses cookies to collect information about our visitors and to track advertising campaign data.

A 'cookie' is a small file that is sent to your computer when you visit our website. When you visit our website again, the cookie provides us with information about your interactions with our website. Cookies may store user preferences and other information. You can set your browser to refuse cookies or to indicate when a cookie is being sent. However, some of our website features or services may not function properly without cookies.

The information collected about you using cookies won't normally be your personal information because you won't be identified or reasonably identifiable to us from it.

### **Websites and intranet**

When you visit any of our websites or intranet pages, our web servers make a record of your visit and record anonymous information for statistical purposes only. This information is:

- the type of browser, computer platform and screen resolution you are using
- your traffic patterns through our site such as:
  - the date and time of your visit to the site
  - the pages you accessed, and documents downloaded
- the previous page you visited before visiting our site
- the internet address of the server accessing our site
- demographic data such as: gender, age and interests.

We use this information to analyse user activity to improve user experience on our websites.

If you don't want your data collected in this way, you can opt out by adjusting your Ad Settings or installing the [Google Analytics opt-out browser add-on](#). This add-on instructs the Google Analytics JavaScript running on websites to prohibit sending information to Google Analytics. This information will only be made available to our department.

### **Social networking services**

We may use X (Twitter), Facebook (Meta), Instagram, YouTube and LinkedIn to communicate with the community about our work. When you communicate with us using these services, we collect the personal information you give us when communicating on these networking services.

[X](#), [Meta \(Facebook, Instagram\)](#), [YouTube](#) and [LinkedIn](#) all have their own privacy policies.

## **How we use your information and when we give it to others**

### **We limit the way we use your information**

We usually use your information for the purpose we first collected it. When we collect your personal information, we tell you why it was collected and what we will do with it. Look for this information in our privacy statement which you should, see, hear or be given when we are collecting your information.

Each of our business areas will collect your personal information for a specific purpose related to their functions and activities or for analytics, business improvement or to consider job applications if you've applied for a job with us.

We don't use your personal information for a different purpose unless you give us your permission or unless you QPP 6.2 allows us.

### **We limit who we give your information to**

We usually only disclose (give) your information to the people or entities we tell you we will disclose it to when we collect your personal information. Look for this information in our privacy statement which you should see, hear or be given when we are collecting your information.

If we want to give your personal information to someone else without telling you about it in a privacy statement, we will only do this if you give us your permission to, or unless QPP 6.2 applies. For instance, there is legislation we work under ('enabling legislation') which allows or requires us to give some of your personal information to Courts, Tribunals and other entities.

## Where we store your information

### Cloud Servers

OPG stores the majority of our data, including our client data containing personal information, here in Australia. However, there is a small possibility that some data may be stored on the cloud, in servers inside and outside of Australia. These overseas servers are usually located in the United States of America.

If we will give your personal and sensitive information to an entity who will store it outside of Australia, such as Microsoft, we will tell you when we collect your personal and sensitive information. Microsoft has its own [privacy policy](#).

In other circumstances we may disclose your information to organisations or others outside Australia for example, where you are based outside Australia, you are making a complaint about an entity outside Australia or if we are allowed under an Australian law or court or tribunal order.

### On our premises

We store some of our data, including your information on our premises. Where this is the case, we protect your information by imposing a range of security controls like, lockable storage restricted digital access and restricted physical access (such as on restricted access floors of our offices).

When we are dealing with others in person, we keep your information out of sight unless the person we are dealing with is authorised to know your information.

### Emails

If you give us an email address from a provider who stores personal information outside Australia, such as a Gmail, Yahoo! or Live email address, we will write to you at that address.

When we send your information to your email address, it will be stored in the country your email service provider chooses.

To avoid the disclosure of your personal information outside of Australia through your email address, consider giving us an email address from an Australian service provider, who stores its data in Australia.

## Quality and security of your information

### Quality of your information

We take reasonable steps to ensure your collected information is accurate, up to date, complete and not misleading.

We do this by:

- keeping our records in a consistent way and in accordance with the [Public Records Act 2023](#),
- double checking source information before we use or disclose your information,

- quality checking our correspondence to make sure it contains only accurate, complete, and up to date information,
- giving you avenues, including informal avenues to contact us to update us with any changes to your information or circumstances about you,
- regularly training our officers to routinely double check the accuracy, currency, and completeness of your personal information through mandatory IP Act training, which must be repeated every two years
- by giving you formal avenues, under the RTI Act, to correct or update your personal information held by us. There is more information about this formal avenue below.

Good quality information, which is accurate, complete, up to date leads to good quality decision-making and fair outcomes.

## Security of your information

We protect the security of personal information we hold from both internal and external threats by:

- regularly assessing the risk of unauthorised access and misuse of our client information, including personal information,
- support our officers by providing mandatory and regular targeted privacy and security training to all our staff at induction and via online training modules,
- developing strong local governance frameworks around handling your information,
- frequently reviewing our suite of information management and security policies,
- giving our officers clear direction on how to respond to data breaches, in our Mandatory Data Breach Notification Policy and Procedure,
- storing and retaining the information we collect securely in accordance with the Public Records Act 2023 and relevant retention and disposal schedules,
- implementing the requirements of the Information and Cyber Security Policy which applies to all Queensland government departments (**IS18**),
- restricting access by our employees, contractors or other authorised parties to your information held by us by role and need for access,
- taking unauthorised access to, and use of, personal information seriously, and taking disciplinary action where necessary or warranted,
- taking disciplinary or other action on data breaches which may be warranted in those circumstances,
- aiming to securely destroy and identify all your information which we no longer need, and which isn't required under a law for us to keep.

## Getting and correcting your information

You have a right to get access to your personal information held by us either informally, as an administrative release, or formally, under the RTI Act. We aim to provide as much information as quickly as possible.

To apply to us for an administrative release of your own information, contact the relevant person at OPG who you normally deal with. For example, if you have a guardian, you can contact your guardian directly. Alternatively, you can email us at [publicguardian@publicguardian.qld.gov.au](mailto:publicguardian@publicguardian.qld.gov.au) or phone **1300 653 187**.

To apply to us for access to, or correction of, your information, by way of a formal application under the RTI Act you can apply online at [www.rti.qld.gov.au](http://www.rti.qld.gov.au), or you can contact the Department of Justice Right to Information and Privacy Team on (07) 3738 9893 or by email to [RTIAdministration@justice.qld.gov.au](mailto:RTIAdministration@justice.qld.gov.au).

Where you are applying under the RTI Act for access to, or correction of, your information held by us, you will need to provide RTI and Privacy with evidence of your identity. To find out more, go to the DoJ [Right to Information and Privacy webpage](#).

## Making a complaint

Through education and regular messaging, we make our expectations about how your personal information should be managed clear to our officers.

Sometimes, despite our best efforts, we make mistakes which lead to unauthorised use or disclosure of your information.

Our officers must comply with our Mandatory Data Breach Notification Policy and Procedure and are aware they must report all data breaches as soon as possible.

This sometimes means OPG will be often aware of a breach before you are.

We will notify you if we identify a data breach involving your information which will likely cause serious harm. If we don't have your contact information, we will publish an online statement or take other reasonable steps to make the data breach as widely known as possible.

We do this to help you take any additional actions you can to protect your information, such as changing a password or contact information and to comply with our obligations under section 73 of the IP Act.

We are committed to protecting and respecting your privacy. If you become aware of any act or practice which interferes with your right to privacy, you can make a complaint to us through our Corporate and Legal Practice Team at [clpt@publicguardian.qld.gov.au](mailto:clpt@publicguardian.qld.gov.au), or calling **(07) 3738 9941**.

We will only use and disclose your complaint information as allowed under the IP Act or under another Australian law or court order.

## 1. Authority

- Information Privacy Act 2009
- Right to Information Act 2009
- Public Records Act 2023
- Public Sector Ethics Act 1994s



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