



**PUBLIC TRUSTEE  
AND GUARDIAN**

## **PRIVACY POLICY**

### **Document Information**

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## 1. WHO WE ARE AND WHAT WE DO

1.1 The Public Trustee and Guardian (PTG) is an independent ACT Government organisation that performs trustee and guardian functions. PTG may be appointed as a guardian or financial manager, and also provides services including deceased estate administration, will-making, power of attorney services, trust administration, and the management of funds and property.

1.2 PTG's functions and activities are governed by an extensive list of legislation, including:

- Public Trustee and Guardian Act 1985 (ACT)
- Guardianship and Management of Property Act 1991 (ACT)
- Information Privacy Act 2014 (ACT)
- Health Records (Privacy and Access) Act 1997 (ACT)
- Freedom of Information Act 2016 (ACT)
- Territory Records Act 2002 (ACT) (record keeping, retention and lawful disposal)
- Powers of Attorney Act 2006 (ACT)
- Administration and Probate Act 1929 (ACT)
- Wills Act 1968 (ACT)
- Unclaimed Money Act 1950 (ACT)
- Confiscation of Criminal Assets Act 2003 (ACT)
- Human Rights Act 2004 (ACT)
- Trustee Act 1925 (ACT)

## 2. PURPOSE

2.1 This policy explains how PTG collects, holds, uses and shares personal information. It supports lawful, safe and respectful handling of information and helps build public trust through transparency.

2.2 At a glance

- We collect personal information to provide PTG services and to carry out tribunal or court appointments.
- We only use and share information when we have lawful authority, and we share the minimum needed.
- We protect information using security controls and limit access to staff who need it for their work.
- You can ask to access or update your information and lodge a complaint if you are dissatisfied with how we manage it.

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### 3. SCOPE

3.1 This policy applies to all PTG staff, contractors, and service providers who handle information for or on behalf on PTG.

3.2 It covers information handling across PTG functions, Including:

- guardianship and personal decision-making functions
- financial management and property decision-making functions
- trust administration and funds management
- wills, powers of attorney and related services
- deceased estate administration and executor/administrator functions
- unclaimed money and related statutory functions

3.3 This policy covers personal information, sensitive information, health information and financial information in any format (electronic, paper, audio or visual).

### 4. HOW WE COLLECT INFORMATION

4.1 PTG collects and uses information when we have lawful authority to do so. Depending on the service, this may include:

- a tribunal or court order appointing PTG (for example, as guardian or financial manager)
- powers and duties under the Public Trustee and Guardian Act 1985 (ACT) and related laws
- carrying out a person's lawful instructions (for example, as an attorney or a trustee)
- meeting legal obligations (for example reporting, audit, and responding to lawful notices)
- protecting life, health or safety, or preventing serious harm
- other situations where privacy or health records laws allow collection without consent

4.2 We may collect information such as:

- identity and contact details
- financial and property details (including banking, investments, insurance and debts)
- health and disability information needed for decisions and services
- service and support information (for example aged care, disability supports, housing)
- legal documents (for example tribunal orders, court documents, wills, trusts, powers of attorney)

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- information about family, carers and other involved people where relevant

4.3 We may collect information from:

- you or the represented person (where appropriate)
- family members, carers or nominated contacts
- health and service providers
- financial institutions and insurers
- courts and tribunals, including ACAT
- other ACT or Commonwealth agencies (where authorised)
- public registers (for example land titles) and other public sources where relevant and lawful

4.4 When we collect information, we take reasonable steps to explain why we need it, what happens if we do not receive it, and who we may share it with, unless an exception applies under law.

## 5. CONSENT, CAPACITY AND REPRESENTED PERSONS

5.1 PTG works with people who may have impaired decision-making capacity. How consent works depends on the decision and the person's capacity at the time.

- If you have capacity for a decision, we will seek your consent where it is needed and appropriate.
- If PTG is appointed to make decisions for a represented person, we may collect, use and share information to carry out the appointment even if the represented person cannot give informed consent.
- We will still involve the represented person as much as practicable, aim to explain matters in a way they can understand, and take their wishes into account, consistent with our legal duties.
- If another person is the legal decision-maker (for example an attorney, guardian, financial manager, administrator or executor), we may deal with that person and share information needed for the role, subject to the law and the scope of their authority.
- Family members and carers do not automatically have a right to someone else's information. We will explain what we can share and what evidence we need to do so.

## 6. HOW WE USE AND SHARE INFORMATION

6.1 We use personal information to:

- deliver PTG services that you request or that we are appointed to provide
- make and carry out decisions about personal care, health care, accommodation, services and financial matters

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- manage and protect money, assets and legal interests
- communicate with relevant people and organisations involved in the matter
- meet legal, reporting, audit and accountability obligations
- manage risk, investigate suspected misuse, and prevent fraud

6.2 We may share information with:

- health providers, hospitals and care services
- disability, aged care, housing and community service providers
- banks, investment managers, insurers and superannuation funds
- lawyers, accountants, valuers, real estate agents and other advisers engaged for the client or estate
- courts, ACT Civil and Administrative Tribunal (ACAT) and statutory oversight bodies
- ACT and Commonwealth agencies where authorised or required
- contractors who support PTG (for example ICT or secure storage providers) under privacy and security controls

6.3 We share the minimum information needed for the purpose and record significant disclosures in our files.

6.4 We may share information without consent when the law allows or requires it. Examples include:

- to carry out tribunal or court orders, directions or reporting requirements
- to prevent or lessen a serious threat to life, health or safety
- for law enforcement purposes to prevent, detect or investigate crime
- to report suspected abuse, neglect, exploitation or reportable conduct where required or authorised
- to respond to lawful notices or information-sharing requests
- to address misconduct, corruption or integrity matters

6.5 Sometimes we may need to communicate with organisations outside Australia (for example, where a person has assets, benefits or family overseas). If we disclose personal information overseas; we will take reasonable steps to ensure it is handled safely and lawfully.

## 7. KEEPING INFORMATION SAFE

7.1 We take reasonable steps to protect personal information from misuse, interference, loss and unauthorised access, modification or disclosure.

7.2 Our controls include:

- role-based access controls and need-to-know access
- secure storage for paper files and controlled premises access

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- ICT security controls, monitoring and backups
- staff training and confidentiality obligations
- privacy and security requirements in contracts with service providers

7.3 If information is lost, accessed or disclosed without authorisation, PTG will respond under its data breach management arrangements to contain the issue, assess impacts, notify where appropriate, and prevent recurrence.

## 8. RECORDS: STORAGE, RETENTION AND DISPOSAL

8.1 PTG must make and keep accurate records of its activities. We keep records for as long as required by law and approved disposal schedules. When records are no longer required, we dispose of them securely in line with records disposal approvals. This applies to physical and electronic records.

## 9. ACCESS AND CORRECTION

9.1 People can request access to and correction of their personal information. Different laws may apply depending on the type of record (including health records).

9.2 If you are acting for someone else, we may need to confirm your authority. For example:

- ACAT-appointed guardians or financial managers/administrators
- attorneys under an enduring power of attorney (within scope)
- executors or administrators of a deceased estate

9.3 We may refuse or limit access where the law allows (for example where release would pose a serious risk to someone's safety or unreasonably impact another person's privacy). We will explain any refusal and review options.

## 10. COMPLAINTS AND REVIEW

10.1 If you are unhappy with how we handled your information, you can make a complaint to PTG.

10.2 Internal process:

- Contact PTG by phone, email or letter and describe the issue and the outcome you want.
- We will acknowledge your complaint and may ask for more information.
- We will investigate and respond in writing (or another format where possible).
- If you are not satisfied, you can request an internal review by a Senior Officer not involved in the original matter.

10.3 External oversight:

- If you are not satisfied after our response, you can complain to the ACT Human Rights Commission (privacy and health records complaints).

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## 11. PRIVACY, DIGNITY AND HUMAN RIGHTS

11.1 PTG recognises privacy is a human right. We aim to handle information in a way that respects dignity, culture and personal circumstances. When we act as a substitute decision-maker, we involve the represented person as much as possible and only collect and share information that is reasonably needed to perform our legal duties and act in the person's interests.

## 12. ENQUIRIES AND CONTACT DETAILS

12.1 Enquiries about this policy can be directed to the Enabling and Support Services Team.

12.2 For privacy enquiries, access requests or complaints, contact PTG:

|                  |                                                                                                                      |
|------------------|----------------------------------------------------------------------------------------------------------------------|
| Email            | <a href="mailto:ptg@act.gov.au">ptg@act.gov.au</a>                                                                   |
| Phone            | (02) 6207 9800                                                                                                       |
| Post             | Public Trustee and Guardian<br>GPO Box 239, Canberra ACT 2601<br><br>Ground floor, 221 London Circuit, Canberra City |
| Website          | <a href="https://www.ptg.act.gov.au">https://www.ptg.act.gov.au</a>                                                  |
| Assisted contact | National Relay Service (NRS) and Translating and Interpreting Service (TIS) are available on request.                |



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DETAILS

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