



## FUNDS IN COURT

### PRIVACY POLICY

1. All information concerning beneficiaries is absolutely private. The Senior Master views the affairs of all beneficiaries as confidential and the protection of beneficiaries' privacy is paramount.
2. It has always been the strong view of the Senior Master that the administration of funds in Court for persons under disability must remain confidential. The persons for whom such funds are administered are under disability and, consequently, are unable to keep their financial affairs private for themselves. Therefore, the Senior Master cannot suffer unnecessary disclosure of details concerning the administration of funds in Court, which should otherwise remain private and confidential.
3. Unless otherwise authorised by the Senior Master:
  - Requests for information concerning beneficiaries' affairs by Federal or State government agencies, legal practitioners or others shall be immediately directed to the General Manager.
  - Officers of Funds in Court [FIC] may only release information which they are authorised to release in the ordinary course of their duties.
  - Officers must not release information in a manner which is misleading or which is likely to be misused.
  - Beneficiaries' physical files **must** remain in the Office.
  - Officers must not reveal the names, or details, of individual beneficiaries in private discussions.
4. Anyone seeking to obtain information which the Office holds must establish his or her right to receive the information sought. It is necessary, therefore, that anyone (other than the beneficiary himself or herself, or his or her trusted carers), or any organisation or Government Agency, who (or which) seeks such information should establish their right to receive the information, its intended use, and any other relevant background, **in writing** before the information can be disclosed. Of course, the request, if urgent, can be made by facsimile transmission. E-mail requests are **not** acceptable.

When the person or organisation cannot establish cogent grounds to be provided with confidential information, such as statutory entitlement to the information (**NB:** Freedom of Information [FoI] legislation does not apply to the judicial function of the Court, *see below*), an Officer must refer the request to the Solicitor to the Senior Master for advice. An Officer **must not** disclose the information first, and seek justification later. The Solicitor to the Senior Master may refer the request to the Senior Master for specific instruction.

5. The Court in its judicial function is not subject to the application of Freedom of Information legislation. In many respects beneficiaries' affairs are affected by the judicial function of the Court. Consequently, any purported FoI request, subpoena or similar attempt to obtain information concerning FIC should be **immediately** referred to the Solicitor to the Senior Master.
6. You can rest assured that your information held by this Office will be treated with the utmost confidentiality.

**The rationale for absolute privacy and confidentiality is that, if a beneficiary were not a person under disability, his or her financial matters would be entirely confidential unless and to the extent that the beneficiary released or authorised release of the information sought, or was compelled by law to release it.**