

GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT & PRIVACY

As a NSW Government agency, the SAS Trustee Corporation (STC) must comply with relevant legislation, including the *Government Information (Public Access) Act 2009 (the GIPA Act)*. STC is an agency covered by the GIPA Act.

The GIPA Act defines government information as information contained in a record held by an agency. Therefore, any information held by (or on behalf of) STC is regarded as government information for the purposes of the GIPA Act. Under the GIPA Act, there are four ways that government information about STC or held by or on behalf of STC can be made available.

1. Mandatory release of STC's open access information

The government information classed as STC's 'open access information' is accessible free of charge from the State Super website at www.statesuper.nsw.gov.au under *Corporate governance/Access to information*. STC's open access information includes:

- STC's policy documents;
- STC's Agency Information Guide, which describes the structure and functions of STC and identifies the types of government information it holds;
- a disclosure log, which records any access applications where the information released is considered by STC to be of general public interest;
- a register of STC's contracts with private sector entities that are valued at more than \$150,000;
- any documents that have been tabled in the NSW

- Parliament on behalf of STC, including its Annual Reports; and
- a record about any open access information (if any) that STC has decided will not be made publicly available on the basis of an overriding public interest against disclosure of the information.

2. Proactive release of information

Each year, STC reviews the types of government information it holds to assess whether there is any information that should be publicly available and can be made publicly available without imposing unreasonable additional costs on itself. After such a review, or at other times, STC may proactively release government information about itself, such as frequently requested information or information it considers to be of general public interest. Any such information will be made available via the State Super website, free of charge, and may be information included in STC's Annual Report, which is accessible on the website www.statesuper.nsw.gov.au under *News & publications/Annual Report to Parliament*.

3. Release of information upon informal request

STC can release some information it holds about itself in response to an informal request, generally without charge. However, depending upon the information to which access is sought, it may impose conditions on the release of information in response to an informal application or it may require the request to be made formally.

A request for information about STC that is not available on the website can be made by contacting STC's GIPA Officer by email on gipaofficer_@statesuper.nsw.gov.au.

The SAS Trustee Corporation (STC) is administered by Mercer Administration Services (Australia) Pty Ltd on behalf of the trustee, SAS Trustee Corporation (STC). STC is governed by the *Superannuation Act 1916*, the *State Authorities Superannuation Act 1987*, the *State Authorities Non-contributory Superannuation Act 1987*, the *Superannuation Administration Act 1996* and the *Police Regulation (Superannuation) Act 1906*. The schemes are also subject to Commonwealth superannuation and tax legislation.

STC has published this fact sheet. STC is not licensed to provide financial product advice in relation to STC.

Reasonable care has been taken in producing the information in this fact sheet and nothing in it is intended to be or should be regarded as personal advice. If there is any inconsistency between the information in this fact sheet and the relevant scheme legislation, the scheme legislation will prevail. In preparing this fact sheet, STC has not taken into account your objectives, financial situation or needs. You should consider your personal circumstances, and possibly seek professional advice, before making any decision that affects your future.

To the extent permitted by law, STC, its directors and employees do not warrant the accuracy, reliability or completeness of the information contained in or omitted from this fact sheet.

4. Release of information after formal application for access

STC may require a formal application to be made for access to information it holds. Examples of situations where STC requires a formal application include where there is a significant cost involved in identifying and/or providing the requested information, or where the requested information is part of the superannuation membership file of a member of an STC scheme (see *Formal application for access to membership file* below).

A formal application for access to information held by or on behalf of STC requires an application to STC that:

- is in writing;
- clearly indicates that the application is made under the GIPA Act;
- includes the application fee of \$30 paid by cheque;
- states a postal address in Australia for correspondence in connection with the application; and
- includes such information as is reasonably necessary to enable the government information applied for to be identified.

Formal application for access to information about STC

A formal application for access to information about STC can be made using the form *Application under the Government Information (Public Access) Act 2009 for access to government information held by State Super* that is available on the website www.statesuper.nsw.gov.au under *Corporate governance/Access to information*. The completed application form and the \$30 application fee should be sent to:

GIPA Officer
SAS Trustee Corporation
PO Box N259
Grosvenor Place NSW 1220

STC has the right to charge an applicant a processing charge of \$30 per hour in addition to the application fee. The processing charge may be reduced by 50% for a pensioner with a health care card, or in the case of financial hardship.

Excluded information

It must be noted that the GIPA Act precludes an application from being made to STC for access to information that is classed as excluded information. The GIPA Act provides that the excluded information of STC is information about its investment functions.

Overriding public interest against disclosure

An application for access to information may be refused by STC if it is determined that there is an overriding public interest against disclosure of the requested information or if searching for the information would require unreasonable diversion of STC's resources.

Formal application for access to membership file

A formal application for access to information is required by STC where a member of one of the NSW public sector superannuation schemes that STC is the trustee of wants to access part or all of the information in their own superannuation file.

Mercer Administration (Mercer), the administrator of those schemes, holds on behalf of STC the superannuation files of scheme members. An application by a member for access to part or all of their file should be made to Mercer, who will process the application on behalf of STC. The form for such an application; *Application under the Government Information (Public Access) Act 2009 for access to the file of a member of a NSW public sector superannuation scheme*, is available on the website www.statesuper.nsw.gov.au under *Corporate governance/Access to information* or can be obtained by calling a Mercer Administration Information Access Officer on (02) 4277 1640.

The completed application form and the \$30 application fee should be sent to:

Information Access Co-ordinator
Mercer Administration
PO Box 1229
Wollongong NSW 2500

A processing charge of \$30 per hour may apply in addition to the application fee. However, applications for personal information of the applicant do not attract processing charges for the first 20 hours of processing (and 20 hours is usually more than sufficient).

Review options for formal applications for access to information

A review may be requested of a decision of STC, or of Mercer as delegate for STC, regarding the release of information formally applied for. There are three options to have a decision reviewed:

Internal review

An internal review can be requested up to 20 working days after notice of the decision is given to the applicant. The review will be carried out by a person within STC at least as senior as the person who made the original decision.

A fee of \$40 is payable for an application for internal review, except where STC or Mercer did not process the original application in the time period permitted by the GIPA Act. In such a case, no application fee is payable for an internal review.

Review by Information Commissioner

An applicant who is not satisfied with the decision of an internal review, or if an internal review is not applicable to their circumstances, may ask for a review by the Information Commissioner within 40 working days of being notified of the decision of the internal review or the decision concerning the application (whichever is applicable). Generally, a decision concerning an application for access to information must be internally reviewed before it can then be reviewed by the Information Commissioner.

Review by NCAT

An applicant who is not satisfied with the decision concerning an application for access to information or of an internal review can apply to the NSW Civil and Administrative Tribunal (NCAT) for an administrative review within 40 working days being notified of the decision. An applicant can apply for administrative review of a decision that is the subject to review by the Information Commissioner within 20 working days of the completion of the Information Commissioner's review.

Where to go for more information

Further information about the GIPA Act is available from the Office of the Information Commissioner by:

- accessing their website at www.ipc.nsw.gov.au;
- emailing an inquiry to ipcinfo@ipc.nsw.gov.au;
- writing to GPO Box 7011, Sydney NSW 2001; or
- telephoning 1800 472 679 between 9am to 5pm, Monday to Friday.

Privacy and use of member information

As a NSW Government agency, STC must comply with the *Privacy and Personal Information Protection Act 1998 NSW* (NSW Privacy Act) and the *Health Records and Information Privacy Act 2002 NSW* (HRIP Act). The following is information about rights under the NSW Privacy Act.

STC holds personal information relating to its superannuation scheme members. The information includes personal details, tax file number, contact details, contributions history and benefit estimates, and is collected directly from the members and the members' employers. Medical information may be held if a member has sought additional benefit cover or if a claim for a disability benefit has been made. Personal information for each member is held and used for the purpose of the administration of superannuation, including collection of contributions and the calculation and eventual payment of a benefit. In most instances Mercer collects and holds the information on behalf of STC. A member's personal information may be disclosed to third parties such as the scheme actuary, insurers, medical consultants, external lawyers, mail houses, and other contractors and, where expressly authorised by law, to government agencies such as the Australian Taxation Office, Centrelink and Department of Veterans' Affairs.

All collection, use and disclosure of members' personal information is only carried out by or on behalf of STC where lawfully authorised, required or permitted. Otherwise, members' personal information is kept confidential and only disclosed to the applicable member or an authorised representative. A member has certain rights including access to and correction of information, and the right to complain about any breaches of the NSW Privacy Act.

STC is also required under the *Family Law Act 1975 (Cth)* to, upon request, provide certain information about a member's interest in a scheme to the member's spouse or a person who intends to enter an agreement with the member about splitting the member's superannuation interest in the event of marriage breakdown. Such a request must be in a form prescribed by law. The *Family Law Act 1975 (Cth)* prevents STC from telling a member about any such request by a spouse or other person.

STC's Privacy Statement sets out for members how it complies with the NSW Privacy Act and gives further details of lawful uses and disclosures of member's personal information. The Privacy Statement is accessible on the State Super website www.statesuper.nsw.gov.au.

For further information about privacy, please contact Customer Service (contact details are shown at the end of this Fact Sheet).



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More information

If you need more information, please contact us:

Telephone: **SASS** 1300 130 095 **SSS** 1300 130 096 **PSS** 1300 130 097 **Deferred Benefits** 1300 130 094
8.30 am to 5.30 pm, Monday to Friday.

Personal interviews: Please phone to make an appointment.

Postal address: State Super, PO Box 1229, Wollongong NSW 2500

Internet: www.statesuper.nsw.gov.au

Email: enquiries@stc.nsw.gov.au