

# PRIVACY AND DIGITAL CORRESPONDENCE

## GUIDANCE FOR PUBLIC PRACTITIONERS IN AUSTRALIA

### INTRODUCTION

This document outlines guidance for members in practice regarding the sending of electronic correspondence with TFN and other sensitive information.

### GENERAL PRIVACY CONSIDERATIONS

Guidance on your obligations under the *Privacy Act* 1988 (Cth) is available on the [CPA Australia website](#), including:

- the components of a Privacy Compliance Program
- developing a privacy statement
- a checklist to aid in the development of a privacy program
- details of the 13 Australian Privacy Principles and how they affect the practices of your firm.

Practices should take reasonable steps to protect client personal information held from:

- misuse or loss
- unauthorised access, modification or disclosure.

Our general advice is that practices should seek legal advice to verify that privacy and other policies of the firm complies with your firm's legal and regulatory environment.

### TAX FILE NUMBERS

There are security and privacy risks when sending sensitive information electronically.

The Australian Business Number (ABN) is not considered sensitive information as ABNs are publicly available.

The Office of the Australian Information Commission's [TFN Guidelines](#) provides regulation on the usage and disclosure of TFN.

#### Guideline 4: TFNs provided incidentally

If an individual provides information to a TFN recipient which includes a TFN, for a purpose not connected with the operation of a taxation law, personal assistance law or superannuation law:

- a) the individual providing the information may remove the TFN
- b) if the individual does not remove the TFN, the TFN recipient must not use or disclose the TFN or record the TFN in a way that is inconsistent with the TAA or the TFN Guidelines.

#### Guideline 5: Use of disclosure of TFN information

TFN information must only be used or disclosed (including for matching personal information about individuals) by TFN recipients, for a purpose authorised by taxation law, personal assistance law or superannuation law.

#### Examples of recommended actions

- delete the TFN from the PDF or email before forwarding on
- password protect the PDF
- upload to a practice portal which has a secure client log on
- for a telephone conversation, complete a proof of identity check if a client asks for their TFN
- for printing, remove the TFN prior to printing, most software can facilitate this
- for scanning, prior to scanning, block out the TFN.

In addition, the Tax Practitioners Board has released a draft practice note [\[TPB \(PN\) D42/2020\]](#) on the use of a client's TFN and TFN information in email communications, covering:

- protection of TFNs and TFN information
- obligations of registered tax practitioners when using or disclosing a client's TFN and TFN information
- suggested steps to consider when using and disclosing a client's TFN and TFN information in email communications
- consequences under the *Tax Agent Services Act 2009* Code of Professional Conduct
- further information.

## CLIENT DECLARATIONS

The Australian Taxation Office provides guidance regarding [client declarations](#) under the [Electronic Transactions Act 1999 Section 9](#), which refers to the transactions recognised for electronic communications.

# CONCLUSION

We encourage practitioners to exercise their professional judgement and seek legal advice when necessary to ensure that unintended recipients don't receive sensitive client information.

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