

## BAV PRIVACY POLICY

### 1. Purpose

Bus Association Victoria (BusVic) respects the privacy of all BusVic People (including staff and members), its clients, business partners and online users, and is committed to safeguarding the personal information that is provided.

This Policy outlines how BusVic handles personal information, (including information that is collected online through its website: [www.busvic.asn.au](http://www.busvic.asn.au)) and the responsibilities of BusVic and BusVic People when dealing with personal information.

BusVic takes all reasonable steps to ensure that personal information and sensitive information is protected and treated confidentially. This includes protecting privacy in accordance with the National Privacy Principles (**NPPs**), which are contained in the *Privacy Act 1988* (as amended) (**the Act**).

### 2. Scope

This policy and procedure applies to all BusVic People (including staff and members), clients/beneficiaries, business partners and online users.

### 3. Definitions

|                             |   |
|-----------------------------|---|
| <b>BusVic People</b>        | means members and employees (including delegates)   |
| <b>Services</b>             | means the services described in clause 4 of this Policy   |
| <b>Authorised Personnel</b> | means anyone who occupies a BusVic position with an inherent requirement to access personal information.<br><br>This usually includes Board Members, Directors, Managers and Team Leaders |
| <b>Business Partners</b>    | means a business that provides support to BusVic through the provision of funds, time or services, including suppliers  |
| <b>Clients</b>              | refers to an organisation or individual which receives support, goods or services from BusVic either regularly, on a short term basis or during an  |

|                              |   |
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|                              | emergency   |
| <b>The Website</b>           | means the BusVic website: <a href="http://www.busvic.asn.au">www.busvic.asn.au</a>  |
| <b>Online Users</b>          | refers to anyone that accesses the BusVic website   |
| <b>Personal Information</b>  | as defined by the <i>Privacy Act 1988 (as amended)</i> , means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.  |
| <b>Sensitive Information</b> | as defined by the <i>Privacy Act 1988 (as amended)</i> is information or opinion about an individual's racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; criminal record or health information about an individual, that is also personal information. |

#### 4. Overview of BusVic Programs and Services

BusVic represents 550 members, operating approximately 4,600 buses and coaches throughout Victoria.

BusVic is committed to serving the interests of its members by providing the following opportunities to:

- maximise profitability and long term security;
- maintain the positive public perception of safety, reliability, efficiency and ethical conduct, and;
- retain community service values in the delivery of road passenger operations.

BusVic is partner to a host of Local, State and National bus, transport, social and community based programs and services.

In carrying out its core tasks and functions, BusVic may from time to time engage contractors, employees and volunteers, and receive funding and support from its members and governments.

In addition to the services which BusVic provides BusVic holds contracts to deliver State and Commonwealth Government programs.

In providing such services, BusVic complies with the relevant state or national privacy principles and any additional obligations under the contract.

BusVic delivers programs and services locally, state-wide and nationally.

These programs collectively referred to in this Policy as **Services** include, but are not limited to:

- BusExpo Conference
- Projects in partnership with the Bus Industry Confederation
- Projects in partnership with Local and State Governments
- Projects in partnership with members
- Projects in partnership with business partners
- Transport planning, social based issues, maintenance, educational, marketing and financial programs

## **5. Collection of Personal and Sensitive Information**

BusVic collects personal and sensitive information to lawfully and ethically provide Services (as set out in section 4).

BusVic from time to time conducts surveys and research which may include the collection of personal information. BusVic ensures that survey and research outcomes and reports do not identify any individual, unless the person gives their prior consent.

In most cases BusVic will provide those participating in survey/research with the option to provide information anonymously; if anonymous participation is not possible, BusVic will provide information to indicate how their data will be used and reported. Any person participating in BusVic survey/ research is invited to contact the Privacy Officer (refer section 12 for details) to discuss any concerns.

The nature and extent of personal and sensitive information collected by BusVic varies depending on one's particular interaction with BusVic

BusVic collects personal and sensitive information from its staff, BusVic members, clients, business partners, and online users.

Further information about the type of information collected from each of these groups and the use of such information follows.

## **5.1. Clients**

### **Type of information collected:**

- contact details (name, address, email, etc.)
- personal details, including: date of birth, gender, etc.
- credit card numbers or bank account details (if BusVic is to receive payment or make payment for services received)

### **How BusVic uses this information:**

- to provide Services
- to meet any requirements of government funding for programs
- to monitor and evaluate existing services and plan for future Services
- to produce annual reports
- for research purposes which may involve contracted organisations
- to comply with legal obligations

### **How Government departments may use the information:**

- to verify that assistance was provided or events took place
- to obtain views as part of program evaluation
- to include in the annual report or for other research conducted

## **5.2. Business Partners**

### **Type of information collected:**

- contact person's name, the name of the organisation which employs them,
- telephone numbers, fax number, street and postal address, email address and position title
- areas of interest by category and industry
- bank details (if BusVic is to receive payment or make payment for services received)
- Australian Business Number (ABN)

### **How BusVic uses the information:**

- to provide Services
- to process and provide accurate receipts
- to pay for services
- to establish and manage partnerships
- to manage BusVic's relationship with the business partner

- to provide information about BusVic's services
- to update the company on BusVic programs and services

### **5.3. People (members and employees)**

#### **Type of information collected:**

- contact details (name, address, telephone numbers, email etc.)
- personal details including personal details of emergency contact person(s)
- date of birth
- country of birth, citizenship, residency and/or visa details
- details of current/previous employment or volunteer involvement
- skills and experience
- languages spoken and written
- qualifications, drivers licence details
- information and opinions from referees for prospective employees
- a Police Check may be required for some roles within BusVic
- in some situations it may be necessary for BusVic to collect or receive information about an individual's health. In this circumstance, BusVic will advise why the information is being collected and whether and to whom it will be released.

#### **How BusVic uses the information:**

- to provide Services
- to process an application to become a member, or employee of BusVic
- to facilitate a placement in an appropriate service or position
- to provide feedback on performance as an employee
- to meet legislative responsibilities to all employees
- to obtain feedback from individuals about their experiences
- to assist BusVic to review and improve its programs and services
- to keep individuals informed about BusVic developments and opportunities
- to provide information about Services
- to facilitate further involvement with BusVic membership

#### **Additional information**

Information relating to unsuccessful candidates for employment will be destroyed after six (6) months unless the individual provides specific permission to retain the details on file for future vacancies. Information relating to candidates shortlisted but

not appointed to the role may be retained for a period of six (6) months and then destroyed.

#### **5.4. Online Users**

To the extent that this Privacy Policy applies to online privacy issues, it is to be read as forming part of the terms and conditions of use for the BusVic website.

##### **Type of information collected:**

- contact details (name, address, telephone numbers, email etc.)
- credit card details
- expiration date of credit card
- non-personal information e.g. visitor navigation and statistics
- server address, browser type, date and time of visit
- personal information

##### **How BusVic uses the information:**

- to process purchase orders, online bookings, purchases/ transactions (e.g. bookings for conferences and training)
- to analyse website use and make improvements to the website

BusVic does not match the personal information collected with the non-personal information.

##### **Additional Information**

The website may from time to time contain links to other websites. BusVic stresses that when an online user accesses a website that is not the BusVic website, it may have a different Privacy Policy.

To verify how that website collects and uses information, the user should check that particular website's policy.

#### **6. How BusVic Collects Information**

Where possible, BusVic collects personal and sensitive information. Information is collected through various means, including telephone and in-person interviews, appointments, forms and questionnaires.

If information requested is declined, or there is concern about imparting information, concerns can be raised with the Privacy Officer (refer section 12 for details).

In some situations BusVic may also obtain personal information about an individual from a third party source.

If BusVic collects information from a third party, BusVic will take all reasonable steps to contact the individual and detail the purposes for which the information is being sought eg.; BusVic may collect information about an individual's medical record from a health care professional, such as a doctor.

## **7. Health Information**

As part of administering its services, BusVic may collect health information.

When collecting health information BusVic will obtain consent and explain how the information will be used and disclosed. If health information is collected from a third party (such as a doctor), BusVic will inform the individual concerned that this information has been collected and will explain how this information will be used and disclosed.

BusVic will not use health information beyond the consent provided by the individual, unless further consent is obtained or in accordance with one of the exceptions under the Privacy Act or in compliance with another law.

If BusVic uses an individual's health information for research or statistical purposes, it will be de-identified if practicable to do so.

## **8. Use and Disclosure of Personal Information**

BusVic will use and disclose an individual's personal information for the purpose for which it was collected. It may also use and disclose it for other related purposes.

BusVic may share an individual's personal information within one of BusVic's entities.

For the purposes referred to in this Policy (particularly in sections 4 and 5), BusVic may also disclose an individual's personal information to other external organisations including:

- Government departments/agencies who provide funding to BusVic
- Emergency Services such as ambulance, police, fire brigade etc
- doctors and health care professionals
- referees and former employers of BusVic employees and candidates for BusVic employee positions;
- credit agencies; and
- BusVic's professional advisors, including, but not limited to accountants, auditors and lawyers.

Except as set out above, BusVic will not disclose an individual's personal information to a third party unless:

- The individual has consented to the release; or
- The release is authorised or required by law. For example, the law may require BusVic to disclose personal information to a Commonwealth department or an agency such as Centrelink. BusVic's policy is only to make such disclosures in accordance with the Privacy Act.
- BusVic is satisfied that harm will come to an individual or the public if the release is not made; or
- The individual was told at the time the information was collected that a release to a nominated party would be made; or
- The release is necessary to protect public revenue or for law enforcement purposes, in which case a record of the release for that purpose is to be made.

BusVic guarantees that it will not sell personal information to any third party.

BusVic does not usually send personal information out of Australia. If an individual requires BusVic to send information to another country BusVic will do so with the individual's consent. If otherwise required to send information overseas BusVic will take measures to protect an individual's personal information, in accordance with the Act.

BusVic will protect an individual's personal information either by ensuring that the country of destination has similar protections in relation to privacy or that BusVic enters into contractual arrangements with the recipient of an individual's personal information that safeguards their privacy.

## **9. Release of Images or Personal Information for BusVic Publicity Purposes**

BusVic produces publications and runs public promotional campaigns from time to time to promote programs, stage events and provide information to stakeholders of developments within BusVic.

Publications include, but are not limited to:

- photographs in the print media;
- the use of video footage and sound recordings in electronic media;
- external publications such as newspapers and magazines
- BusVic publications such as posters, flyers, brochures, displays, websites; television or radio segments or advertisements.



Wherever practicable, consent to use the above will be obtained from individuals prior to the use of the photograph/video.

## **10. Access to and Correction of Personal and Sensitive Information**

Under the NPPs, it is an individual's right to access and copy personal and sensitive information which BusVic holds about them, subject to some exceptions.

There is also a right to ask BusVic to correct personal information or sensitive information which is inaccurate, incomplete or out of date.

The following principles apply to requests for access and correction:

- all requests will be dealt with promptly and in a confidential manner;
- any inaccurate or out of date information will be corrected; and
- an individual's request to access their personal information will not affect any commercial or professional arrangements between the individual and BusVic.

Requests for access and/or correction should be made to the Privacy Officer (details of which are set out below). For security reasons, the individual will be required to put their request in writing and provide proof of their identity.

This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not undermined.

In the first instance, BusVic will generally provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to *current* records. These current records will include personal information which is in BusVic databases and in paper files, and which may be used on a day to day basis.

BusVic will provide access by allowing individuals to inspect, take notes or make copies of personal information that it holds about them.

If personal information (for example, name and address details) is duplicated across different databases, BusVic will generally provide one printout of this information, rather than multiple printouts.

BusVic will take all reasonable steps to provide access to the information requested within fourteen (14) days of receiving a request. In situations where the request is complicated or requires access to a large volume of information, BusVic will provide access to the information requested within thirty (30) days.

BusVic may charge reasonable fees for the cost it incurs relating to a request for access to information, including photocopying and delivery costs (where information is stored off site). For current fees, please contact the Privacy Officer.

If an individual is able to establish that personal information BusVic holds about them is not accurate, complete or up to date, BusVic will take reasonable steps to correct its records.

Access will be denied if:

- the request does not relate to the personal information of the person making the request;
- providing access would pose a serious and imminent threat to the life or health of a person;
- providing access would create an unreasonable impact on the privacy of others;
- the request is frivolous and vexatious;
- the request relates to existing or anticipated legal proceedings;
- providing access would prejudice negotiations with the individual making the request;
- access would be unlawful;
- denial of access is authorised or required by law;
- access would prejudice law enforcement activities;
- access discloses a 'commercially sensitive' decision making process or information; or
- for any other reason as stated in the NPP's or in the Privacy Act.

If BusVic denies access to information it will set out the reasons for denying access. Where there is a dispute about an individual's right of access to information or forms of access, this will be dealt with in accordance with the complaints procedure set out below.

## **11. Security of Personal and Sensitive Information**

BusVic takes reasonable steps to ensure the security of personal and sensitive information it holds and to protect it against such risks as loss or unauthorised access, destruction, use, modification or disclosure.

BusVic's IT systems are password protected and comply with relevant security standards. If personal information is held on paper files, it is stored in locked files or compactuses. Only authorised personnel are permitted to access these details.

## **12. Privacy Officer/HR Officer**

Privacy Officer(s) are appointed by the Executive Director, and receive training about this Policy and the NPPs and are supported by BusVic to deal objectively with Privacy issues and complaints under this policy.

In selecting Privacy Officer(s) BusVic looks for: people who are approachable and well respected.

To raise any questions or comments about the Privacy Policy, or to make a complaint about how BusVic has handled personal information please contact the Privacy Officer.

## **13. Complaints Procedure**

If an individual has provided BusVic with personal and sensitive information, or BusVic has collected and holds an individual's personal and sensitive information, that individual has the right to make a complaint and have it investigated and dealt with under this complaints procedure.

If a complaint about BusVic's privacy practices or handling of personal and sensitive information arises, contact the Privacy Officer. BusVic will try to resolve complaints at the local level if possible. All complaints will be logged on BusVic's database.

A privacy complaint relates to any concern an individual may have regarding BusVic's privacy practices or our handling of personal and sensitive information. This could include matters such as how information is collected or stored, used or disclosed or how access is granted

The goal of this policy is to achieve an effective resolution of a complaint within a reasonable timeframe, usually thirty (30) days or as soon as practicable. However, in some cases, particularly if the matter is complex, the resolution may take longer.

Once the complaint has been made, BusVic will try to resolve the matter in a number of ways, including:

### **Request for further information**

BusVic may request further information from the complainant. The complainant should be prepared to provide BusVic with as much information as possible, including details of any relevant dates and documentation. This will enable BusVic to investigate the complaint and determine an appropriate solution. All details provided will be kept confidential.

### **Discuss further options**

BusVic will discuss options for resolution with the complainant and will be open to suggestions about how the matter might be resolved via the Privacy Officer.

### **Investigation**

Where necessary, the complaint will be investigated.

BusVic will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation.

### **14. Changes to this Policy**

BusVic reserves the right to review, change and update this policy from time to time, and aims to comply with the NPP's and the Act.