

BAV PRIVACY POLICY

1. Purpose

Bus Association Victoria (BusVic) respects the privacy of all BusVic people (including employees 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 it obtains or collects, including information that is collected online through its website: www.busvic.asn.au, and the responsibilities of BusVic when dealing with such information.

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

2. Definitions

Authorised Personnel	means anyone who occupies a BusVic position with an inherent requirement to access Personal Information. (This usually includes Board Members, Directors, Managers and Team Leaders - howsoever described.)
Business Partners	means a business that provides support to BusVic through the provision of funds, time or services, including suppliers
Clients	refers to an organisation or individual which receives support, goods or services from BusVic either regularly, on a short term basis or during an emergency
Health Information	(a) information or an opinion about: (i) the health or a disability (at any time) of an individual; or (ii) an individual's expressed wishes about the future provision of health services to him or her; or

(iii) a health service provided, or to be provided, to an individual;

that is also personal information; or

(b) other personal information collected to provide, or in providing, a health service; or

(c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or

(d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

Online Users

refers to anyone that accesses the website.

Personal Information

as defined by the *Privacy Act 1988 (as amended)*, means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not.

Sensitive Information

as defined by the *Privacy Act 1988 (as amended)* 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 orientation or practices; criminal record that is also personal information or health information about an individual or genetic information about an individual that is not otherwise health information or biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or biometric templates.

Services

means the programs and services described in clause 3 of this Policy.

The website

means the BusVic website: www.busvic.asn.au or

any other BusVic website.

3. 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 them with opportunities to:

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

BusVic seeks to achieve this through 'partnering' with others to deliver a host of Local, State and National bus, transport, social, economic and community based programs and services.

In order to serve the interests of its members, BusVic may from time to time engage contractors, employees and volunteers, and receive funding and support from its members and governments.

In addition, BusVic also holds contracts to deliver State and Commonwealth Government programs.

When performing such activities like partnering with others, engaging contractors or carrying out services under contract to the State, BusVic will comply with the relevant state or national privacy principles and any additional obligations it may have under relevant contracts.

Without limiting the scope of the programs or services BusVic get involved in, they 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
- Assisting members by providing business information and in any recruitment projects.

4. Collection of Personal and Sensitive Information

BusVic collects:

- Personal Information that is reasonably necessary for one or more of its functions and activities;
- Sensitive Information where an individual consents to such collection, and it is either reasonably necessary for one or more of its functions and activities or one of the exceptions set out in Australian Privacy Principle 3.4 applies¹;
- by lawful and fair means;
- Personal Information from an individual only from the individual unless it is unreasonable or impracticable to do so,

to lawfully and ethically provide Services (as set out in section 3).

Wherever possible, BusVic will give individuals the option of dealing with us anonymously or by pseudonym.

BusVic may receive Personal Information where we have not specifically asked an individual for it. In these circumstances, it will determine whether it is necessary for us to retain that Personal Information.

Where an individual provides BusVic with information about another person, the Authorised Person collecting the information must ensure that the discloser has consent to provide the information to BusVic; and tell the individual disclosing their Personal Information to BusVic, where they can obtain a copy of this Privacy Policy.

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 11 for details) to discuss any concerns.

¹ For example:

- (a) the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (b) a permitted general situation exists in relation to the collection of the information by BusVic; or
- (c) a permitted health situation exists in relation to the collection of the information by BusVic.

Note: For *permitted general situation*, see section 16A of the Act and section 8 below. For *permitted health situation*, see section 16B of the Act and section 8 below.

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.

4.1. 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 and agencies 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

4.2. 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 Business Partner on BusVic programs and services

4.3. 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.

4.4. 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.

5. To verify how that website collects and uses information, the user should check that particular website's policy. How BusVic Collects Information

Where possible, BusVic collects Personal and Sensitive information directly from the individual, except where it is unreasonable or impracticable to do so. 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 11 for details).

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

If BusVic collects such 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.

6. 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 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.

7. Use and Disclosure of Personal Information

BusVic will use and disclose an individual's Personal Information for the purpose for which it was collected. For the purposes referred to in this Policy (particularly in sections 3 and 4), BusVic may need to disclose an individual's Personal Information to external organisations including:

- BusVic Business Partners;
- 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 use or disclose an individual's Personal Information for another purpose unless:

- The individual has consented to the use or disclosure of the information; or The individual would reasonably expect BusVic to use or disclose the information for a secondary purpose and the secondary purpose is:
 - (i) if the information is Sensitive Information—directly related to the primary purpose; or
 - (ii) if the information is not Sensitive Information—related to the primary purpose; or
- The use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- A permitted general situation² exists in relation to the use or disclosure of the information by BusVic; or
- A permitted health situation³ exists in relation to the use or disclosure of the information by BusVic; or
- BusVic reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

If BusVic uses or discloses Personal Information in accordance with the last dot point, it will make a written note of the use or disclosure.

² For example:

- it is unreasonable or impracticable to obtain an individual's consent to the use and disclosure and BusVic reasonably believe that the use or disclosure is necessary to lessen or prevent a serious threat to an individual's life, health or safety or a serious threat to public health or public safety;
- BusVic have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the individual's functions or activities, has been, is being or may be engaged in, and BusVic reasonably believe that the use or disclosure is necessary in order for it to take appropriate action in relation to the matter;
- the use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim;
- the use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process;
- BusVic reasonably believe that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body (usually the police, and the following is not an exhaustive list):
 - the prevention, detection, investigation, prosecution and punishment of criminal offences, breaches of a law imposing a penalty or sanction;
 - the protection of the public revenue;
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

³ See section 16B of the Act.

BusVic may share an individual's Personal Information with one of BusVic's entities and the use and disclosure principles set out above apply as if BusVic's primary purpose for the collection of the information were the primary purpose for which the related body corporate collected the information.

BusVic guarantees that it will not sell Personal Information to any third party.

BusVic is not likely to disclose Personal Information to overseas recipients. If an individual requires BusVic to send information to overseas recipients, 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.

BusVic recognises the importance of providing individuals choices by giving them an easy means to 'Opt Out' from receiving marketing offers.

8. 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.

9. Access to and Correction of Personal and Sensitive Information

Under the APPs, it is an individual's right to access 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, out of date, incomplete, irrelevant or misleading.

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 give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so, but if it is not so possible, 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 provide access to the information requested within a reasonable period after the request is made, which will generally be 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;
- giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- giving access would have an unreasonable impact on the privacy of other individuals;
- the request is frivolous and vexatious;
- the request for information relates to existing or anticipated legal proceedings between BusVic and the individual, and would not be accessible by the process of discovery in those proceedings;
- giving access would reveal the intentions of BusVic in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- giving access would be unlawful;
- denying access is required or authorised by or under an Australian law or a court/tribunal order; both of the following apply:
 - BusVic has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to its functions or activities has been, is being or may be engaged in;
 - giving access would be likely to prejudice the taking of appropriate action in relation to the matter;
- giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body;
- giving access would reveal evaluative information generated within BusVic in connection with a 'commercially sensitive' decision-making process; or
- for any other reason as stated in the APP's or in the Act.

If BusVic denies access to Personal Information, or to give access in the manner requested by the individual, it must give the individual written notice that sets out:

- the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- the mechanisms available to complain about the refusal, which will be in accordance with the complaints procedure set out below.

10. Security of Personal and Sensitive Information

BusVic takes reasonable steps to protect Personal and Sensitive Information it holds from misuse, interference and loss or unauthorised access, 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.

11. Privacy Officer/HR Officer

Privacy Officer(s) are appointed by the Executive Director, and receive training about this Policy and the APPs 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.

12. 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.

If BusVic is unable to resolve a complaint or the complainant is unhappy with the outcome, the complainant can contact the Office of Australian Information Commissioner via its enquiries line 1300 363 992 or website <http://www.oaic.gov.au> to lodge a complaint.

13. 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 APP's and the Act.