



Privacy Management Plan

Point to Point Transport Commission

March 2021

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1 Introduction

1.1 Purpose

This Privacy Management Plan (the Plan) explains how the Point to Point Transport Commissioner and Commission staff uphold and respect the privacy of:

- authorised service providers, taxi licence holders, staff and others about whom we hold personal information
- individuals whose information we disclose through the Driver and Vehicle Dashboard to authorised service providers

The Plan identifies who you should contact with questions about the information collected, held or disclosed by the Commission, how to access and amend your personal information and what to do if the Commission may have breached its privacy obligations under the *Privacy and Personal Information Protection Act 1998* (NSW) (**PPIP Act**), the *Health Records and Information Privacy Act 2002* (NSW) (**HRIP Act**) or the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (**PPT Act**).

This Plan acts as a reference tool for Commission staff to explain how we can best meet our privacy obligations under the PPIP and HRIP Acts and the PPT Act. As public sector officials, the Commission and the Commissioner's staff are required to comply with the PPIP and HRIP Acts. This Plan is intended to assist them to understand and comply with their obligations under those Acts.

The PPIP Act and HRIP Act contain criminal offence provisions applicable to public sector officials and persons who misuse personal and health information. For example, there are offences relating to:

- corrupt disclosure and use of personal information by public sector officials; and
- offering to supply personal or health information that has been disclosed unlawfully.

Commission staff are regularly reminded of their responsibilities under the PPIP Act and HRIP Act and these obligations are reinforced in the [Code of Conduct](#) and through initiatives outlined in Part 4 of this Plan. Commission staff also abide by information sharing agreements and memorandums of understanding made with other agencies.

This plan is available on the Commission's website.

1.2 About the Commissioner and the Commission

The Point to Point Transport Commissioner is established as a statutory office under *the Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (PTP Act). The Commissioner is a statutory official and employed by the Minister for Transport and Roads and the Regional Minister for Transport and Roads. The functions of the Commissioner are:

- to administer the Act, including the authorisation and licensing schemes established by the Act
- to manage the enforcement of the Act and Regulation
- to recommend safety and standards for passenger and booking services

- to assist in the determination of liability for and enforcement of payment of the passenger service levy
- to advise the minister for transport and Roads on passenger services and booking services matters
- any other functions imposed on the Commissioner by the Point to Point Transport Act or any other Act

The Minister for Transport and Roads and the Regional Minister for Transport and Roads (**the Ministers**) are the employers of the Commissioner. The Secretary for Transport administers the contract of employment with the Commissioner on behalf of the Ministers, however the Commissioner makes decisions in relation to individual cases independently. To enable the Commissioner to perform his functions, staff are employed in the Transport Service under Part 7A of the *Transport Administration Act 1988* (TAA). The staff employed to enable the Commissioner to perform his functions are collectively known as the Point to Point Transport Commission (the Commission). All staff within the Commission perform delegated functions under the PTPT Act.

The Commissioner and the Commission work in partnership with Revenue NSW to administer the passenger service levy and to collect other revenue. The Commissioner also facilitates the provision of vehicle and /or driver information from Transport for NSW and from NSW Police to authorised service providers (via the Driver and Vehicle Dashboard (DVD) on the industry portal on Commission's website) to assist them meet their safety obligations under PTP law.

These arrangements are underpinned by S149 – S152 of the PTP Act which establish the framework for the Commission in relation disclosing information to third parties, the arrangements the Commission may enter into for such disclosure, the information that may be disclosed and the purposes for which such information may be disclosed.

Given the Commissioner's functions, the Commissioner has prepared this privacy management plan to ensure the Commission complies with its obligations under the PPIP Act and the HRIP Act.

1.3 Contact us

For further information about this Plan or any other concerns about your privacy, please contact the Commission. You may contact the Privacy Officer for information about:

- how the Commission manages personal and health information
- requests for access to and amendment of personal or health information
- guidance on broad privacy issues and compliance
- requests to conduct internal reviews about possible breaches of the PPIP Act and HRIP Act (unless the subject of the review is the conduct of the Privacy Officer).

Web: <https://www.pointtopoint.nsw.gov.au/>

Post: Commission Privacy Officer
PO Box 533
Burwood NSW 1805

Email: P2PLegal@transport.nsw.gov.au

If Commission staff are uncertain as to whether certain conduct may breach their privacy obligations, they should seek the advice of the TfNSW Privacy team in the Legal, Privacy & Information Access branch.

Web: www.transport.nsw.gov.au

Post: Legal, Privacy & Information Access Branch
Transport for NSW
PO Box K659
Haymarket NSW 1240

Email: privacy@transport.nsw.gov.au

2 Personal and health information held by the Commission

The Commission undertakes the functions of the Commissioner as set out above. The collection of information on authorised service providers and taxi licence holders is central to these functions and activities. The Commission also has substantial obligations in respect of maintaining personnel files and records of staff.

As a consequence, the Commission holds a large amount of personal information about authorised service providers (taxi service providers and booking service providers and their representatives), and about taxi licence holders.

We also facilitate the provision of driver and vehicle information, most sourced from other agencies, to authorised service providers through the DVD.

The Commission maintains on its website lists of all Authorised Service Providers in NSW – one list is of Authorised Taxi Service Providers and the second is of Authorised Booking Service Providers. Authorised service providers can be individuals, corporations or partnerships.

The substantial obligations in respect of maintaining personnel files and records of Commission staff are managed by TfNSW.

Examples of the personal information collected and held by the Commission in the exercise of its functions is at **Annexure A** of this document.

The Commission Privacy Officer and Legal Counsel must be consulted regarding proposals to share or disclose sets of personal information held by or whose disclosure is facilitated by the Commission.

The Commission uses a number of significant information systems to handle and store personal information. We follow strict rules in the storage of personal information in order to protect from unauthorised access, loss or other misuse. At **Annexure B** are a list of the significant information systems operated by the Commission.

3 How the Commission manages personal and health information

This section describes how the Commission collects, uses, discloses and stores personal and health information in alignment with its functions and activities, and with standards which the Commission is expected to follow when dealing with personal information and health information.

Key definitions, including a description of what is and is not personal or health information are located at Part 7.

3.1 Collection of personal and health information – key principles

PPIP Act [Sections 8-11](#), HRIP Act [HPPs 1-4](#)

Collection must be:

- for a lawful purpose;*
- directly from an individual;*
- meet specific requirements for notice; and*
- relevant, not excessive, accurate and not intrusive.*

We won't ask for personal and health information unless we need it. We will especially avoid collecting sensitive personal information if we don't need it. By limiting our collection of personal and health information to only what we need, it is much easier to comply with our other obligations.

- Example: when designing a form, we ask: "do we really need each piece of this information?"
- Example: If we need to know an individual's age only to provide age-appropriate services, we will ask for their age or year of birth, not their exact date of birth.

Since we only ask for personal and health information when we need it to perform our functions, we may not give individuals the opportunity not to identify themselves. For example, we need to obtain proof of identity of authorised service providers and of taxi licence holders, in the latter case when taxi licences are sold.

We will ensure that the personal and health information we collect is relevant, accurate, up-to-date, complete, and not misleading.

We will only collect personal and health information about a person from a third party where:

- it is lawful to do so, or the individual has authorised collection of the information from someone else; or
- In the case of our partner agencies, where a formal information sharing arrangement is in place between the Commission and the agency (as provided by S149 of the PTP Act). In such instances it would be unreasonable or impracticable to collect information directly from the individual.

We will take reasonable steps to ensure that information collected is not unreasonably intrusive or excessive, and is relevant, accurate, up-to-date and complete before using it. Training our staff is one important way we do this.

We check the accuracy of the information we collect on service providers by requiring they submit certified proof of identity documentation when they apply for authorisation. Once authorised, service providers are able to login to the industry portal and update their details as needed. Drivers may also contact the Commission if they believe the information made available to service providers through the DVD is inaccurate and needs to be amended

Where reasonable to do so, we will notify service providers and taxi licence holders that their information is being collected via a 'privacy notice', which will be included on an application form, web page, recorded message or in a verbal notice at the time the personal or health information is collected, or as soon as practicable afterwards.

For example, those applying for authorisation are provided with detailed information on why information is collected and how it will be used and disclosed.

3.2 Use and disclosure of personal and health information – key principles

PPIP Act [Sections 16-19](#), HRIP Act [HPPs 9-11 & 14](#)

An agency must:

- check the information before using it to make sure it is relevant, up to date, complete and not misleading;*
- not use information for a purpose other than the collection purpose except in limited circumstances; and*
- not disclose information for a purpose other than the collection purpose except in limited circumstances.*

When we use personal and health information, it means that we use it internally *within* the Commission. This includes the provision of information to contractors engaged by the Commission to manage information on our behalf in circumstances where the Commission retains control over the handling and use of the information.

We will only use personal and health information for:

- the primary purpose for which it was collected
- a directly related purpose
- another purpose where it is reasonably necessary to prevent or lessen a serious and imminent threat to life or health of the individual to whom the information relates or of another person
- another purpose for which the individual has consented, or
- another purpose where permitted by law.

Some examples of where the law permits us to use personal or health information for another (secondary) purpose include:

- quality assurance activities such as monitoring, evaluating and auditing
- work health and safety laws require that we use information to ensure the safety of our employees; or
- unsatisfactory professional conduct or breach of discipline.

When we disclose information, it means that we give it to a third party *outside* the Commission to use the information for their own purposes.

In addition to the obligations that apply to Commission staff under the PPIP and HRIP Acts, S149 – S152 of the PTP Act establishes requirements for the Commission in relation disclosing information to third parties, the arrangements the Commission may enter into for such disclosure, the information that may be disclosed and the purposes for which such information may be disclose such as information concerning:

- the safe provision of a passenger service or booking service,
- authorisations or licences, or applications for authorisations or licences, under the PTP Act
- notices issued, undertakings or orders made and audits carried out, under the PTP Act,
- any proceedings commenced against or conviction of a person for a disqualifying offence,
- driver licensing and vehicle registration information relating to drivers for passenger services and vehicles used to provide passenger services,

We will only disclose personal information (including to third party agencies) if:

- we have the consent of the person from whom the information was obtained, or
- it is connected with the administration or execution of the PTP Act or the regulations, or
- it is for the purposes of any legal proceedings arising out of the PTP Act or the regulations or of any report of any such proceedings, or
- in accordance with a requirement imposed under the [Ombudsman Act 1974](#), or
- the disclosure is directly related to the purpose for which the information was collected; or
- the individual has been made aware in the privacy notice that information of the kind in question is usually disclosed to the recipient; (our collection notice will tell you when we disclose your personal information); or
- we reasonably believe that the disclosure is necessary to prevent or lessen a serious and imminent threat to life or health; or

- the disclosure is otherwise authorised by law: or
- we have information sharing arrangements with our partner agencies (as contemplated by S149 of the PTP Act). In each case, disclosure to the agencies is either for the purpose for which the information was collected or is made under lawful authorisation, for example we have a Memorandum of Understanding with Revenue NSW which sets out the basis on which the Commission will disclose information to Revenue NSW in relation to the passenger service levy: or
- in the case of the use of the DVD, authorised service providers must agree to the terms and conditions of its use (both initially to obtain access and then each time they log into the DVD); and they must have the drivers' consent to enter the drivers' details in the DVD, it is also a condition of authorisation for all authorised service providers who use the DVD to comply with the terms and conditions. Compliance with these requirements is checked when service providers are audited and when individual drivers are investigated.

Sensitive information

PPIP Act [Section 19](#), HRIP Act [HPP 14](#)

An agency must:

- *comply with special restrictions on disclosing or transferring sensitive information outside NSW.*

We recognise that additional protection should be given to sensitive personal information (relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities). We can generally only disclose sensitive personal information when the individual has consented to the disclosure or when it is necessary to prevent a serious and imminent threat to life or health.

In the case of health information, we can disclose health information for the primary collection purpose or otherwise when:

- the individual has consented to the disclosure;
- the disclosure is directly related to the purpose for which it was collected and the individual would reasonably expect us to disclose the information for that purpose; or
- the disclosure is necessary to prevent or lessen a serious and imminent threat to life, health or safety.

Circumstances in which we may disclose personal and health information include when we are managing investigations, complaints or claims.

Generally speaking, the Commission does not disclose information to jurisdictions outside of NSW. Any disclosure outside of NSW, if required, would occur in accordance with section 19 of the PPIP Act and HPP 14.

Retention and Security

PPIP Act [Section 12](#), HRIP Act [HPP 5](#)

An agency must:

- keep information only for as long as necessary for its lawful purposes for use;*
- dispose of the information appropriately;*
- protect the information through appropriate safeguards; and*
- do everything reasonably within its power to protect the information when the information is given to another person to provide a service to the agency.*

The Commission stores information in a variety of ways, including on Commission and TfNSW databases, cloud storage by third parties and in various physical locations.

Some of the security measures taken by the Commission and TfNSW include:

- restricting access to all IT systems and databases to ensure that only authorised users with a clear business need can access them
- use of strong passwords for computer access and a mandatory requirement that all staff change computer access passwords on a regular basis
- print on demand (secured printing)
- implementing and maintaining security software across all network components in arrangements for data transmissions (including encryption and password protection where appropriate), backup and storage
- providing staff with access to secure storage spaces near workstations to secure documents and devices
- physically securing sensitive and confidential information in locked rooms or cabinets
- implementing and observing a clean desk policy
- maintaining and continually improving transport information security management systems that comply with ISO/IEC 27001:2013 standard
- aligning with our obligations under the NSW Government *Information Management Framework* and *Cyber Security Policy 2019*
- adopting best practice in electronic and paper records management and complying with our obligations under the *State Records Act 1998* (NSW)
- keeping information for only as long as necessary
- when no longer required, we destroy information in a secure manner as appropriate (for example, using secure (locked) recycling bins and shredders)
- where it is necessary for information to be transferred to a third party provider for the purposes of providing us with a service, we develop and execute contract terms that would prevent them from unauthorised use or disclosure of information that we hold
- providing mandatory information security awareness training to Commission staff.

3.3 Exemptions from the Information Protection Principles (IPPs) and Health Privacy Principles (HPPs)

3.3.1 Exemptions from IPPs

PPIP Act [sections 22-28](#) relating to law enforcement and related matters; ASIO; investigative agencies; lawful authorisation; where non-compliance benefits and individual; specific exemptions for statutory agencies; information exchanges between public sector agencies; research; credit information; and other exemptions.

The PPIP Act contains exemptions that may allow the Commission to not comply with IPPs in certain situations, such as for investigations and law enforcement. For example, we may not be required to comply with the following IPPs in some circumstances:

- direct collection (section 9 (IPP 2) of the PPIP Act);
- notice (section 10 (IPP 3) of the PPIP Act);
- access and transparency (sections 13 to 15 (IPPs 6 to 8) of the PPIP Act); or
- use and disclosure (sections 17 to 19 (IPPs 10 to 12) of the PPIP Act).

We do not use the other exemptions on a regular basis as they are not usually relevant to our work or functions. However, if an exemption was to be used, we aim to be clear about the reasons for using it.

3.3.2 Exemptions from HPPs

Exemptions are located mainly in [Schedule 1 of the HRIP Act](#) and may allow the Commission to not comply with HPPs in certain situations.

For example, we are not required to comply with the HPPs in [clauses 4 to 8 and 10](#) if we are lawfully authorised, required, or permitted not to comply with them.

We do not use the other exemptions on a regular basis as they are not usually relevant to our work. However, if an exemption were used, we aim to be clear about the reasons for using it.

3.3.3 Codes of practice or public interest directions

There are no privacy codes of practice or public interest directions that apply to the Commission or TfNSW.

4 How to access and revise your information

PPIP Act [Section 13-15](#), HRIP Act [HPPs 6-8](#)

An agency must:

- take reasonable steps to enable any person to ascertain details of the information the agency holds about them;*
- when requested, provide individuals with access to their information without excessive delay or expense; and*
- make appropriate amendments or make notations to ensure the information remains accurate, relevant, up to date, complete and not misleading.*

Everyone has the right to access the personal and/or health information the Commission holds about them, and to enquire if the Commission holds their personal and/or health information. They also have the right to change their own personal and/or health information the Commission holds, for example, updating their contact details.

The Commission is required to provide you with access to the personal and/or health information it holds and allow you to amend this information without excessive delay or expense.

There is no fee to access or amend your personal and/or health information.

This section explains how to request access to your own information via an informal or formal application.

The Commission encourages staff to keep your personal and/or health information up-to-date and accurate, particularly information about your personal contact details and next of kin contact details so that you (or they) can be contacted in an emergency. It is also your responsibility to inform us if you wish to change your bank account details or payment details.

4.1 Authorised service providers, taxi licence holders and drivers

Service providers are able to update their details using the Commission's industry portal as are taxi licence holders or those permitted by the Commission to act as agents for a taxi licence holder.

Drivers can, via the Industry Contact Centre (131727), request an investigation and review of a DVD indicator if they believe the information displaying for serious driving offences and/or criminal charges is incorrect.

Commission employees can access their personnel files by either making a request to Transport Shared Services (**TSS**) or by contacting HR Advisory on 1800 618 445 or at tfnswhr@transport.nsw.gov.au

In addition contact details for general concerns about privacy are provided on pages five and six and in relation to complaints and reviews, on pages 18 and 19.

Accessing or amending other people's information

The PPIP Act and the HRIP Act give people the right to access their own information; the Acts generally do not give people the right to access someone else's information.

However, section 26 of the PPIP Act allows an individual to give consent to the Commission to disclose their personal information to someone else who would not normally have access to it.

Likewise, under section 7 and section 8 of the HRIP Act, an 'authorised representative' can act on behalf of someone else. The HPPs also contain information regarding other reasons the Commission may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual or another person, in order to help find a missing person, or for compassionate reasons.

If none of these circumstances are relevant, a third party can consider making an application for access to government information under the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act).

4.2 Access to information under GIPA Act

Anyone can access government information that is held by the Commission in accordance with the GIPA Act. Sometimes the information requested can include personal and health information of other people. There are certain considerations that are taken into account before any information is released and the Commission may withhold the personal and health information of another person. For more information about the GIPA Act or making an access application, please visit the Transport for NSW [website](#).

5 Commission strategies for compliance and best practice

The Commission adopts several strategies to implement best practice principles and comply with our obligations under the PPIP Act and the HRIP Act. These strategies recognise that privacy is a shared responsibility within the agency.

5.1 Policies and Procedures

The Commission is required to set out in this plan how policies and practices are developed to ensure compliance by the agency with the requirements of privacy legislation.

This plan sets out a number of specific elements of our privacy protection framework.

Policies and practices are developed by:

- examining changes in the legislative, policy or operational environment for their impacts on the Commission's privacy management
- conducting regular reviews of privacy policies and notices
- considering the privacy implications of changes to policies and systems for any procedural changes needed.

In particular, TfNSW's [Code of Conduct](#) outlines the responsibilities of Commission staff in protecting privacy in the course of their duties. All staff are provided with a copy of the Code and are regularly reminded of their obligations. The Code is available on the TfNSW website and intranet.

5.2 Promoting privacy awareness

The Commission undertakes a range of initiatives to ensure authorised service providers, taxi licence holders, drivers, Commission staff, contractors and members of the public are informed of our privacy practices and obligations under the PPIP Act and the HRIP Act. Information about our privacy practices are also made available on our dedicated privacy page on the Commission's [website](#).

The Commission promotes privacy awareness and compliance by:

- publishing and promoting this plan on our intranet and website
- including privacy in our induction program in the modules for Code of Conduct and Fraud and Corruption awareness
- publishing and promoting all privacy policies to staff
- maintaining a dedicated privacy page on our intranet that centralises all privacy resources for staff and provides information about what to do if staff are unsure about a direct Commission staff to privacy factsheets on our intranet to provide staff with practical guidance on privacy issues and considerations
- delivering periodic face to face training across different business areas
- staff access to a dedicated privacy advisory service
- assessing privacy impacts of new projects or processes from the outset

- senior executives endorsing a culture of good privacy practice
- educating the public about their privacy rights and our obligations (for example, maintaining a dedicated privacy page on our website and providing privacy information on forms that collect personal and health information).

5.3 Review and continuous improvement

The Commission consistently evaluates the effectiveness and appropriateness of its privacy practices, policies and procedures to ensure they remain effective and to identify, evaluate and mitigate risks of potential non-compliance.

The Commission is committed to:

- monitoring and reviewing its privacy processes regularly
- further promoting and maintaining privacy awareness and compliance
- encouraging feedback from our staff and the businesses we regulate on our privacy practices
- introducing initiatives that promote good privacy handling in our business practices (such as assessing privacy impacts of new projects or processes from the outset)
- maintaining and continually expanding the scope of Transport information security management systems that align to ISO/IEC 27001:2013 standard
- carrying out comprehensive assessments of the risk to digital information and digital information systems that are used to process personal and health information
- actively promoting information security awareness to ensure all staff fully understand their responsibilities of information security compliance in their day-to-day activities
- making this plan publicly available as open access information under the GIPA Act.

TfNSW holds a Transport wide Privacy Forum comprising of representatives from all Transport agencies, including the Commission. The Forum meets to discuss privacy issues and identify opportunities for better practice in protecting privacy.

6 Your rights

6.1 Requesting an internal review

Any person can make a privacy complaint by applying for an 'internal review' of the conduct they believe breaches an IPP and/or a HPP. A person can also discuss any concerns with the Commission privacy team P2PLegal@transport.nsw.gov.au or email privacy@transport.nsw.gov.au.

Internal review is the process by which the Commission (and TfNSW in the case of staff matters) manages formal, written privacy complaints about how we have dealt with personal information or health information. All written complaints about privacy are considered to be an application for internal review, even if the applicant doesn't use the words 'internal review'. If you would prefer to resolve your privacy concern informally, please let us know when you contact us (see 6.1.4 below).

6.1.1 Your rights of internal review

An application for internal review should:

- be in writing
- be addressed to the Commission or TfNSW (in the case of employees)
- specify an address in Australia at which you can be notified after the completion of the review.

To apply for an internal review, you can submit the [Application Form - Internal Review of Conduct in relation to a privacy breach](#) or send your application and any relevant material by email or post to TfNSW.

6.1.2 Process

The internal review will be conducted by a person who:

- was not involved in the conduct which is the subject of the complaint
- is a staff member of the Commission, and
- is qualified to deal with the subject matter of the complaint.

Internal review follows the process set out in the Information & Privacy Commission's [internal review checklist](#). When the internal review is completed, the applicant will be notified in writing of:

- the findings of the review
- the reasons for those findings
- the action we propose to take
- the reasons for the proposed action (or no action), and
- the applicant's entitlement to have the findings and the reasons for the findings reviewed by the NSW Civil and Administrative Tribunal (NCAT).

The Commission is also required to:

- provide a copy of your internal review request to the Privacy Commissioner
- the Commission will also send a copy of the draft internal review report to the Privacy Commissioner and take into account any submissions made by the Privacy Commissioner
- the Commission will keep the Privacy Commissioner informed of the progress of the internal review and will provide a copy of the finalised internal review report.

Further information about the internal review process is available on the IPC website [How to handle an internal review](#).

6.1.3 Timeframes

You must lodge your request for internal review within six months from the time you first became aware of the conduct that you think breached your privacy. The Commission may accept late applications in certain circumstances. If a late explanation is not accepted then the Commission will provide you with a written explanation.

The Commission will acknowledge receipt of an internal review and will aim to:

- complete the internal review within 60 calendar days, (The Commission will contact you if the review is likely to take longer than 60 days to complete); and
- respond to you in writing within 14 calendar days of completing the internal review.

If the internal review is not completed within 60 days, you have a right to seek a review of the conduct by the NCAT.

6.1.4 Other ways to resolve privacy concerns

We welcome the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with us informally before lodging an internal review.

You can raise your concerns with us by contacting the Privacy Officer on P2PLegal@transport.nsw.gov.au.

Please keep in mind that you have six months from when you first became aware of the potential breach to seek an internal review. This six month time frame continues to apply even if attempts are being made to resolve privacy concerns informally. Please consider this time frame when deciding whether to make a formal request for internal review or continue with informal resolution.

6.2 Requesting an external review

If you are unhappy with the outcome of the internal review conducted by the Commission or do not receive an outcome within 60 days, you have the right to seek an external review by the NCAT.

You have 28 calendar days from the date of the internal review decision to seek an external review under Section 53 of the *Administrative Decisions Review Act 1997* (NSW).

To request an external review, you must apply directly to the NCAT, which has the power to make binding decisions on an external review.

To apply for an external review or to obtain more information about seeking an external review, including current forms and fees, please contact the NCAT:

Website: <http://www.ncat.nsw.gov.au/>

Phone: 1300 006 228

Visit/post: Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

The NCAT cannot give legal advice, however the NCAT website has general information about the process it follows and legal representation.

6.3 Complaints to the Privacy Commissioner

Individuals have the option of complaining directly to the Privacy Commissioner if you believe that we have breached your privacy.

The Privacy Commissioner's contact details are:

Office: Information & Privacy Commission NSW

Level 15, McKell Building

2-24 Rawson Place

Haymarket NSW 2000

Post: GPO Box 7011

Sydney NSW 2001

Phone: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

7 Key definitions

7.1 What is personal information?

Personal information is defined in section 4 of the PPIP Act as:

‘... information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion’.

Essentially, personal information is any information or an opinion that is capable of identifying an individual.

Common examples of personal information include an individual’s name, bank account details, fingerprints, or a photograph or video.

7.2 What is not personal information?

There are certain types of information that are not considered personal information and these are outlined at section 4(3) and section 4A of the PPIP Act (see also section 5 of the HRIP Act). Some of these include:

- information about an individual who has been dead for more than 30 years
- information about an individual that is contained in a publicly available publication (for example, information provided in a newspaper or court judgment available on the internet)
- information or an opinion about an individual’s suitability for appointment or employment as a public sector official (for example, recruitment records, referee reports and performance appraisals).

In addition to the above, information which is not about an individual, such as information about service providers or taxi licences is not personal information.

7.3 What is health information?

Health information is a specific type of personal information that is defined in section 6 of the HRIP Act as:

- personal information that is information or an opinion about:
 - an individual’s physical or mental health or disability
 - an individual’s express wishes about the future provision of health services to themselves
 - a health service provided, or to be provided, to an individual.
- other personal information collected to provide, or in providing, a health service
- other personal information about an individual collected in connection with the donation, or intended donation, of an individual’s body parts, organs or body substances

- genetic information about an individual that is or could be predictive of the health (at any time) of the individual or their genetic relatives (e.g. descendants)
- healthcare identifiers.

7.4 What is *not* health information?

As with personal information, there are certain types of information which are not considered health information. These are outlined in section 5(3) of the HRIP Act and include, for example, health information of an employee who has been deceased for more than 30 years.

Personnel files containing fitness for work certificates are not considered to be health information.

7.5 Sensitive personal information

Sensitive personal information is a specific type of personal information that is defined in section 19 of the PPIP Act. It includes information about ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities.

7.6 Other definitions

Collection – (of personal information) the way in which the Commission acquires personal or health information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph.

Disclosure – (of personal information) occurs when the Commission makes known to an individual or entity personal or health information not previously known by that individual or entity who use the personal or health information for their own purposes.

Exemptions from compliance with Information Protection Principles (IPPs) – (general, specific and other exemptions) are provided both within the principles (and under Division 2 and Division 3 of Part 2 of the PPIP Act).

Privacy principles – the Information Protection Principles (IPPs) set out in Division 1 of Part 2 of the PPIP Act and Health Privacy Principles (HPPs) set out in Schedule 1 of the HRIP Act. The privacy principles set out the minimum standards for all NSW public sector agencies when handling personal and health information. Within these principles lawful exemptions are provided.

Public register – a register of personal information that is required by law to be, or is made, publicly available or open to public inspection, whether or not upon payment of a fee.

Note: public register exemptions are provided for in clause 7 of the *Privacy and Personal Information Protection Regulation 2014*.

Privacy obligations – the information privacy principles or the health privacy principles and any exemptions to those principles that apply to the Commission, which is a public sector agency

Staff – any person working in a permanent, casual or temporary capacity in the Commission, including consultants and contractors.

Use – (of personal information) occurs when the Commission applies the personal information for its own purposes. This may include sharing the personal information with a contractor who uses it for the Commission's purposes.

Annexure A – Personal and health information held by the Commission

Examples of personal information collected and held by the Commission in the exercise of its functions are as follows:

| Point to Point Transport Commission | |
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| Stakeholder engagement / communications The Commission collects information, including personal information, when consulting with stakeholders at industry forums and when receiving and responding to correspondence. | <ul style="list-style-type: none">• contact details for industry stakeholders• contact details for government agency CEOs, members of inter-departmental working groups and the like, members of government boards and advisory committees• contact details of people who have written to or emailed the Minister, with details of the nature of their correspondence.• copies of replies to correspondence and records of who, if anyone, their correspondence was referred to |
| Various The Commission occasionally holds community events or participates in events held by other agencies or organisations. The Commission undertakes focus groups and surveys to gauge opinion on a range of matters. During these activities, the Commission may collect information on a voluntary basis about visitors to a stall, questions visitors asked, what resources were provided and general demographic information such as gender. | <ul style="list-style-type: none">• customer surveys may capture personal information• names and contact details of attendees• statements and opinions (general enquiries, consultation, feedback and complaints)• audio recordings (where incoming telephone conversations are recorded for quality and assurance purposes) and interviews• photographs and CCTV footage |

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| Website publishing, photography and media The Commission website is used to publish resources to help our stakeholders understand what we do. The Commission does not publish personal or health information on the website without permission. | <ul style="list-style-type: none"> • contact details when 'contact us' form is used • website data • photos or filming of events (the Commission will seek permission from people before taking photos or filming events and advise them how we will manage the images and what they will be used for. Those who agree can be asked to sign a consent form). |
| Industry Contact Centre (ICC) queries | <ul style="list-style-type: none"> • name, addresses, contact details, date of birth (supplied voluntarily) • health related information (volunteered, not required) • driving and criminal offences (voluntary) • driver licence number • credit card information to facilitate telephone payment |
| Applications for Authorisation as a service provider | <ul style="list-style-type: none"> • 100 points of identification (certified copies of documents) • name, addresses, contact details • results of national police check including criminal history |
| Applications for taxi licences – including Wheelchair Accessible and through open tender | <ul style="list-style-type: none"> • 100 points of identification (certified copies of documents) • name, addresses, contact details • |
| Taxi licence transfers | <ul style="list-style-type: none"> • 100 points of identification (certified copies of documents) • name, addresses, contact details • v |

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| | <ul style="list-style-type: none"> • probate and the last will of the deceased • letter of Administration • powers of attorney |
| Applications for internal review of Commissioner decision | <ul style="list-style-type: none"> • Name, addresses, contact details • miscellaneous personal and health information – not solicited but may be provided voluntarily to support claims made in relation to review |
| Driver and Vehicle Dashboard | <ul style="list-style-type: none"> • last name, date of birth, driver licence number • P2P eligibility check including whether a driver authority was previously held, whether it was refused and any disqualifying offences • serious driving offences details • criminal charge details • vehicle safety check details • sanitisation station attendance • miscellaneous personal and health information – not solicited but may be provided voluntarily in relation to administering the DVD |
| Notifiable occurrence | <ul style="list-style-type: none"> • details of accidents or injuries • details of complaints made to police regarding sexual assault, indecent exposure, actual assault or physical threats or intimidation • details of incidents that result in a driver being charged with a major offence under the Road Transport Act 2013 • any of the above may include passenger details |

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| COVID-19 incident reporting | <ul style="list-style-type: none"> • details of driver • details of COVID test • details of driver personal protection equipment • details of vehicle sanitisation and deep cleaning |
| Safety complaints | <ul style="list-style-type: none"> • any photos taken of a safety incident • copies of receipts • trip details including time, date, pick up and drop off locations • driver identification numbers • contact details for person making complaint • may include passenger details |
| Sanitisation station | <ul style="list-style-type: none"> • name and email address of driver |
| Compliance activities | <ul style="list-style-type: none"> • search warrants • records of premises attended such as notes and photographs • voice and video captured from body worn cameras or PinForce • reports containing personal information e.g. reports to police regarding alleged offences, criminal history checks (accessed under Section 150 of the Act) • notes taken in the Compliance Officer's notebook • information obtained via notices to produce |
| Audits | <ul style="list-style-type: none"> • booking records (including customer and driver details) |

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| | <ul style="list-style-type: none"> • financial records of individuals related to levy (where service provider is a sole trader) • service providers records of drivers |
| CCTV | <ul style="list-style-type: none"> • video footage of individuals • |

Transport for NSW on behalf of the Commission

Staff and recruitment

During the recruitment process and throughout employment, information (including personal and/or health information) is collected from applicants and staff members for various reasons such as leave management, workplace health and safety and to help TfNSW operate with transparency and integrity.

Successful applicants are invited to fill out various forms in order to commence employment at TfNSW. The forms invite people to provide sensitive personal information such as racial and cultural information in order to collect data about the wider NSW public sector. Disclosing this information is voluntary.

These forms are sent to the Talent and Payroll teams to be used for employment purposes such as setting up personnel files. This information is kept securely in an enterprise database.

- applicant's contact details
- employee's bank details and tax file number
- lists of the direct contact details, including telephone numbers and email addresses for departmental staff
- flex sheets/attendance records
- travel and expense reimbursement
- garnishee orders
- salary sacrifice paperwork
- superannuation details
- leave details (medical certificates)
- payslips
- higher duties applications
- emergency contact details (including telephone number, postal and email address)
- leave requests
- discipline and conduct information
- performance Management and Evaluation records
- records of gender, ethnicity and disability of employees for equal employment opportunity reporting purposes

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| | <ul style="list-style-type: none"> • background information (such as criminal history, ethnic background, disability) • medical conditions and illnesses • next of kin and contact details • education • performance and development information • family and care arrangements • secondary employment • conflicts of interest • financial information for payroll purposes • employment history <p>Note: job applications (cover letter, resume and selection criteria responses) are information about an individual's suitability for employment as a public sector official and so this information is not personal information. TfNSW still treats this information confidentially.</p> |
| <p>Injury and Claims Management</p> <p>TfNSW collects and holds personal information for the purpose of managing workers compensation claims by Transport cluster staff, for rehabilitation and for managing injured workers' return to work. TfNSW provides claims management and return to work services to the entire Transport cluster through its shared services team.</p> <p>TfNSW deals with claims information as an agent of the relevant workers compensation insurer for each agency. Otherwise,</p> | <ul style="list-style-type: none"> • health records (including medical certificates, reports and files and fitness for duty assessments) • drug and Alcohol records • return to Work paperwork • workers Compensation records • injury management paperwork • occupational Health and Safety records |

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| TfNSW holds appropriate delegations from each agency to act on its behalf. | |
| Learning and Development The Commission collects information, including personal information, for the purpose of delivering training modules using an education app or other technology | <ul style="list-style-type: none"> information collected as a result of conducting training includes details such as: <ul style="list-style-type: none"> student Name contact Information enrolment and Result Information |
| Workplace Conduct and Investigations TfNSW collects information, including personal information, when receiving complaints, investigating and making decisions about staff conduct matters. | <ul style="list-style-type: none"> personal information of employees involved in investigations name, addresses, contact details and other relevant information of witnesses and/or complainants (members of the public - non employees) photographs CCTV footage statements health records investigation reports which may include the above information |

Annexure B – Significant Information Systems

Significant information systems operated by the Commission include:

| Significant Information System | Description of System |
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| SAP Corporate | HR and Finance Systems |
| VJ-FleetWave | Fleet Management System and FBT Calculator |
| Objective | Document Management System |
| Correspondence Management System | Automated system to register and action incoming Departmental correspondence |
| Electronic briefing note system | System to manage the administration of briefing notes |
| Image Library | Online Image Library to store and catalogue photos, images, videos, sound and logos |
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| DRIVES (restricted read only) | Central system for motor vehicle registration and driver licensing in NSW. |
| Transport Information System (TIMS) (read only) | <p>System to record details of driver authorities and driving instructors, including medical records and complaints against drivers</p> <p>Used for historical checks of service providers and point to point transport drivers under the Passenger Transport Act 1990</p> |

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| Industry Portal (Salesforce) | System to administer and manage authorised service providers, taxi licences (including tenders), the passenger service levy and compliance activities |
| Driver and Vehicle Dashboard | An online tool that allows authorised service providers to run near real-time checks on drivers and vehicles, with outcomes of those checks displayed in a traffic light format. |
| iAuditor | Digital inspection app used for compliance audits and recording sanitisation stations data |
| PinForce | Mobile solution that enables Authorised Officers to issue infringements using handheld devices |
| Investigations solution | System to administer and manage investigation activities |
| Microsoft Outlook | Used for staff emails |
| ServiceNow (MyTransport) | Service console for the recording and managing of information requests, provides linkage between IPScope voice recordings and notes recorded by the ICC consultants (used by Industry Contact Centre) Held within existing transport systems |
| IPScope | Phone system used by Industry Contact Centre – used for voice recordings, managed through Transport Shared Services |

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| Data lake | <p>Repository of information and analytics tool that uses data collected for the functions of the Commissioner</p> <p>Data is taken from the lake for analysis purposes</p> |
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