



ACT
Government

Transport Canberra
and City Services

Information Privacy Act 2014 Privacy Policy

Version 1.0
November 2016

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1. Definition of Terms

Term	Definition
FOI Act	<i>Freedom of Information Act 1989.</i>
Information Privacy Act	<i>Information Privacy Act 2014.</i>
Personal information	<p>Personal information as defined in the <i>Information Privacy Act 2014</i>:</p> <p>(a) means information or opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or not; but <p>(b) does not include personal health information about the individual.</p>
Sensitive Personal Information	<p>Sensitive information, in relation to an individual, means personal information that is:</p> <p>(a) about the individual's:</p> <ul style="list-style-type: none"> • 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; or <p>(b) genetic information about the individual; or</p> <p>(c) biometric information about the individual that is to be used for the purpose of automated biometric verification or biometric identification; or</p> <p>(d) a biometric template that relates to the individual.</p>
TPPs	Territory Privacy Principles under the <i>Information Privacy Act 2014</i> .
TCCS	Transport Canberra and City Services Directorate.

2. About this policy

This privacy policy sets out how Transport Canberra and City Services (TCCS) Directorate manages personal information when performing its functions. The *Information Privacy Act 2014* (Information Privacy Act) outlines the specific legal obligations of TCCS when collecting and handling your personal information.

This policy is made in accordance with Territory Privacy Principle 1.3 of the Information Privacy Act. A copy of the Information Privacy Act is available on the ACT [Government Legislation Register](#).

The privacy policy will be updated as changes are made to information handling practices. Updates will be publicised on the TCCS website. For more information on how TCCS handles your personal information please view the:

- [TCCS Privacy Policy Fact Sheet](#)
- [MyWay Privacy Statement](#)
- [Libraries ACT Privacy Statement](#).

3. Overview

TCCS collects and discloses personal information on behalf of all Territory directorates under a wide variety of legislation. TCCS collects, holds, uses and discloses personal information to carry out functions or activities under its portfolio legislation set out in the [Administrative Arrangements 2016 \(No 3\)](#). Typical legislation includes:

- *Animal Welfare Act 1992*
- *Domestic Animals Act 2000*
- *Parts of the - Road Transport (General) Act 1999*
- *Public Unleased Land Act 2013*.

TCCS collects personal information for legal and administrative reasons. Typical collection includes:

- enquires from the general public
- administrative activities (including the management of personnel functions within the Directorate)
- licensing and compliance activities
- freedom of information requests
- ministerial correspondence
- records of directorate boards, committees and councils
- privacy, Ombudsman and human rights complaints
- complaint handling and investigation
- details of volunteers, committee members and statutory office holders
- details about work health and safety
- research data
- compensation claims

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- service requests through the Canberra Connect contact centre
- registers (e.g. No Spray Register and Domestic Animal Services Database)
- general communication including media, community engagement and social media.

4. Remaining anonymous

Generally, when dealing with TCCS, members of the public have the option of remaining anonymous or using a pseudonym (a made up name). In some situations however TCCS may require a full name to provide services or assistance to you, or if we are authorised or required by law to deal only with an identified individual, for example, when issuing an infringement notice.

If it is impracticable or unlawful for TCCS to deal with you without you providing identifying information, we will let you know why we need your personal information and what it will mean for you if the information is not collected.

Note that we may not be able to respond to you if we do not know how to contact you.

5. Collection of your personal information

At all times TCCS seeks to collect personal information only where that information is reasonably necessary for, or directly related to, one or more of our functions or activities.

6. How do we collect personal information

TCCS will only collect information by lawful and fair means.

Your personal information may be collected in a variety of ways, including through paper or online forms, in correspondence to and from you as well as email and/or over the telephone.

TCCS collects personal information such as contact details and feedback when:

- we are required or authorised by law, court or tribunal order to collect the information
- you participate in community consultations, forums or make submissions to us
- you contact us to ask for information
- you ask for access to information TCCS holds about you or other information about TCCS.

We may also collect contact details and other personal information if you are on certain committees or participating in a meeting or consultation with us.

7. Types of information we collect and hold

At all times TCCS seeks to collect only the minimum information required. The personal information we collect and hold will vary depending on what we need to perform our functions and responsibilities. It may include:

- your name, address and contact details (e.g. phone, mobile and email)
- information about your identity (e.g. date of birth, country of birth, passport details, visa details and drivers licence)

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- information about your personal circumstances (e.g. age, gender, marital status and occupation)
- information about your financial affairs (e.g. payment details, bank account details, and information about business and financial interests)
- information about your employment (e.g. applications for employment, work history, referee comments and remuneration).

Sensitive Personal Information is handled with additional protections under the Information Privacy Act.

Normally TCCS will not collect personal sensitive information without your consent. However, we may collect sensitive personal information without your consent when it is required or authorised by law; or a court or tribunal order, or necessary to lessen or prevent a threat to the life; health or safety of an individual; or public health or safety.

8. Notice of collection

When TCCS needs to collect personal information from you we will notify you about:

- who we are and how you can contact us
- the circumstances in which we collected personal information
- the name of the law that authorises us to collect this information (if any)
- the purposes for which we collect the information
- how you may be affected if we cannot collect the information we need
- the details of any agencies or type of agencies which we normally share personal information with, including whether those agencies are overseas, and which countries those agencies are located in
- how you can access this policy, which explains how we handle your personal information and address any concerns about our information handling.

9. Collecting through our websites

For more information, refer to the [TCCS Website](#).

10. Social Networking Services

TCCS uses social networking such as Facebook and Twitter to promote activities, inform the public of service changes and to interact with the public to answer questions. TCCS notes that Facebook and Twitter may also collect information in accordance with their own privacy policies.

11. Email lists

TCCS uses e-mail lists to promote activities and inform the public of services. Information on how to unsubscribe from an e-mail list is made available to all subscribers.

12. Use and disclosure

Unless an exception under TPP 6 applies, TCCS will not use your personal information for a secondary purpose or share your personal information with other government agencies, private sector organisations or anyone else without your consent.

Exceptions include when:

- the individual consents to disclosure
- you would reasonably expect the information to be used or disclosed for a purpose other than that for which it was collected and that other purpose is related to the purpose for which the information was collected, or in the case of sensitive information, directly related
- the use or sharing of information is legally required or authorised by an Australian law, court or tribunal order
- the collection is reasonably necessary for a law enforcement-related activity such as the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of the law, intelligence gathering, surveillance and conduct of protective or custodial services
- we reasonably believe that collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety
- we have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to our functions and we reasonably believe that collection of the information is necessary in order for us to take appropriate action
- we reasonably believe that the collection is reasonably necessary to help locate a person who has been reported as missing.

In accordance with the Information Privacy Act, TCCS may disclose personal information to Commonwealth intelligence agencies where that disclosure is authorised by the head of the intelligence agency and the agency certifies that the collection of the personal information from TCCS is necessary for its functions.

13. Sharing information with service providers

TCCS contracts with service providers to support the Directorate to carry out specific activities and functions.

In some circumstances it may be necessary for TCCS to share personal information with these service providers to enable them to perform their functions efficiently and effectively.

In these situations we protect personal information by only entering into contracts with service providers who agree to comply with Territory requirements for the protection of personal information.

14. Accessing your personal information

In accordance with the Information Privacy Act (TPP 12 and 13) you have the right to ask for access to your personal information that TCCS holds. You are also entitled to request we correct your personal information, if you believe it is no longer accurate or up-to-date.

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If you contact us to request access to your personal information we must provide you with access to your information in an appropriate manner, if it is reasonable and practicable to do so.

If it is not reasonable or practicable we must respond to your request in writing within 30 days telling you why we are unable to provide you with access to that information. We will not charge you any fees for making the request or providing you with access.

You also have the right under the *Freedom of Information Act 1989* to request access to documents and ask for information we hold about you to be changed or annotated if it is incomplete, incorrect, out-of-date or misleading.

15. Quality of personal information

TCCS is required to take reasonable steps to ensure the personal information we collect is accurate, up-to-date and complete. Personal information we use or disclose must also be relevant for the purpose for which we use or disclose it.

You have the right to request TCCS amends any personal information held about you and we will comply with your request unless a reason exists not to do so. If TCCS does not agree, you can make a statement about the requested changes, which will be attached to the record of your personal information.

16. Correcting your personal information

If you ask TCCS to correct your personal information, we must take reasonable steps to correct it if we are satisfied it is incorrect, inaccurate, incomplete irrelevant, out-of date or misleading. If we agree to correct information that has previously been shared with another agency, you may request that we notify the other agency of the possible need for them to correct that information.

There may be reasons why we refuse to correct information, for example if we are required or authorised by law not to correct the information. If we refuse to correct the information we must give you written notice within 30 days of why and how you can lodge a complaint about the decision. If we refuse to correct your personal information, you can ask us to attach or link to it a statement that you believe the information is incorrect and why. We will not charge you any fees for making the request, correcting the information or attaching a statement to the personal information.

17. Storage and security of personal information

TCCS is required to take reasonable steps to ensure the personal information it holds is safe and secure. We strive to protect your personal information from misuse, interference or loss and from unauthorised access, use, modification or disclosure in accordance with the Information Privacy Act. The *Territory Records Act 2002* establishes frameworks for the management of your personal information if it is held within the files or data systems of TCCS. Our IT systems employ comprehensive protections to guard against unauthorised access. Paper-based files are stored securely. As a part of our general practice personal information is only available to staff who require the information as part of their role.

18. Disclosure of personal information overseas

In some circumstances TCCS may need to share or store information with overseas recipients. If this disclosure is necessary we will take reasonable steps before disclosing

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the information to ensure that the recipient treats the personal information with the similar standard of care as is required by the Information Privacy Act.

In some cases, the information will already be sufficiently protected under law governing the overseas recipient and you can access mechanisms to enforce those protections. If it is practical and reasonable to do so we will obtain your consent to overseas disclosure. However, there may be situations where we are unable to do so, for example, where we share information as part of a law enforcement activity.

19. How to make a complaint

If you believe your personal information has been inappropriately disclosed, you can make a complaint to TCCS. In the first instance, you should contact the specific area or employee of the Directorate with whom you have been dealing and ask them to resolve the issue. If you are not satisfied with our response you may ask for a review by a more senior officer, who may refer your complaint to the TCCS Privacy Officer. If you still believe that your privacy complaint has not been handled appropriately you can make a complaint to the Australian Privacy Commissioner (Privacy Commissioner).

The Privacy Commissioner will generally expect you to complain to TCCS first, and will likely refer your complaint to TCCS if you have not done so.

The Australian Privacy Commission is an independent body that will assess your complaint and can make a determination on whether our actions interfere with your privacy. If the Commissioner upholds your complaint you may be able seek a remedy in the Magistrates Court.

20. Further information and relevant contacts

Please contact the TCCS Privacy Contact Officer for more information:

Phone: 13 22 81 or (02) 6207 5111

E-mail: TCCS.Legal@act.gov.au

Postal: GPO Box 158, CANBERRA ACT 2601