

Commercial Passenger Vehicles Victoria **Privacy Policy**

COMMERCIAL PASSENGER VEHICLES VICTORIA PRIVACY POLICY

1 Introduction

This policy sets out the manner in which Commercial Passenger Vehicles Victoria (CPVV) will collect, use, hold, disclose and dispose of personal information and health information. This policy may be varied from time to time.

2 Definitions of personal, sensitive and health information

CPVV will collect, hold and disclose personal information and health information in accordance with the Information Privacy Principles (**IPPs**) set out in the Privacy and Data Protection Act 2014 (Vic) (**PDP Act**) and the Health Privacy Principles (**HPPs**) set out in the Health Records Act 2001 (Vic) (**HR Act**).

2.1 Definition of personal information

Under the PDP Act, '**Personal Information**' means any information or opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent or can easily be ascertained from the information or opinion, but does not include information to which the HR Act applies.

2.2 Definition of sensitive information

Under the PDP Act, there is a subset of personal information called '**Sensitive Information**' which includes information about your race, ethnicity, political opinions or memberships, religious beliefs or affiliations, philosophical beliefs, memberships of professional/trade unions or associations, sexual preferences or practices or criminal record.

The PDP Act applies stricter provisions on how sensitive information is used. Where CPVV collects Sensitive Information about you, it will ensure that it complies with these provisions.

For the purposes of this policy, a reference to Personal Information will include Sensitive Information.

2.3 Definition of health information

Under the HR Act, '**Health Information**' means information or an opinion about an individual's physical, mental or psychological health, a disability, an individual's expressed wishes about the future provision of health services or a health service provided which can be linked to a living or deceased individual.

3 Collection of Personal and Health Information

CPVV only collects Personal Information or Health Information from an individual that is necessary for its functions or activities, the activities of managing or administering that function or activity, or as required by law in regard to its statutory obligations.

CPVV will take reasonable steps to collect information directly from the individual. CPVV may collect information via written or electronic correspondence including telephone, email, fax and/or social media such as Facebook and Twitter. Information may also be collected in person.

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CPVV may collect Personal Information or Health Information from you when you:

- (a) apply for accreditation as a driver, registration of a vehicle as a commercial passenger vehicle (**CPV**) or registration as a Booking Service Provider (**BSP**);
- (b) apply for a job with CPVV;
- (c) request to be placed on CPVV's mailing list;
- (d) apply to become a member of the Multi-Purpose Taxi Program;
- (e) make an inquiry or give comment about CPVV's functions and services; or
- (f) lodge a request for access to documents under the Freedom of Information Act 1982 (Vic) (**FOI Act**).

The types of Personal Information CPVV may request from you include your name, date of birth, contact details, qualifications and employment history and the types of Health Information that CPVV may collect from you, include information relating to your physical or mental health or any disability you may have.

3.1 Types of specific Personal Information CPVV may collect

3.1.1 Supplying commercial passenger vehicle services, commercial or local bus services or driving instructor services

If you are involved in the supply of commercial passenger vehicle services (including services relating to unbooked (taxi) commercial passenger vehicles or booked (hire car and rideshare) vehicles, commercial or local bus services, or driving instructor services, we may collect or use your Personal Information or Health Information where required.

3.1.2 Security cameras in commercial passenger vehicles

If you have been a passenger in, or drive a commercial passenger vehicle, you may have been photographed and/or filmed by a security camera installed in the commercial passenger vehicle. If you were, those photographs and/or film may contain your Personal Information. We may collect or use that Personal Information, or disclose it to a law enforcement agency if necessary to determine, or help a law enforcement agency determine:

- (a) whether a crime has been committed by or against you; and/or
- (b) your identity, if a law enforcement agency suspects that a crime has been committed by or against you.

3.1.3 Multi Purpose Taxi Program members

If you apply to become a member of the Multi Purpose Taxi Program, we may collect or use your Personal Information or Health information, or disclose it to another governmental agency, medical practitioner or independent health panel where this is required to assess your eligibility under the membership program or application process.

3.2 Collection statement/notice

Where CPVV collects Personal Information from you, it will take reasonable steps to ensure that you are given a collection statement that sets out the purpose for collecting that information, how that information will be used and the consequences, if any, for not providing the information. Wherever it is lawful and practical, CPVV will provide you with the option of not identifying yourself.

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4 Use and disclosure of Personal Information or Health information

CPVV will only use or disclose Personal Information or Health Information as set out in this Privacy Policy or for the purpose which was either specified or reasonably apparent at the time of collection unless you have consented to, or would reasonably expect, another related use.

4.1 Disclosure required by law

In certain circumstances, CPVV may be required by law to provide Personal Information or Health Information to another organisation. Examples include warrants, court orders or demands to provide documents permitted under legislation. Examples of organisations with these powers include Australian Security Intelligence Organisation (ASIO), Australian Securities and Investments Commission (ASIC) and Centrelink.

Under Division 1 of Part 10 of the Commercial Passenger Vehicle Industry Act 2017 (**CPVI Act**), CPVV is required to keep a register of permission holders (**Register**). A permission holder is:

- a person in whose name a motor vehicle is registered under Part 3 of the CPVI Act;
- a registered booking service provider; or
- an accredited driver.

CPVV must make the Register publicly available at CPVV's office during business hours. The Register must include the name of each permission holder and any other information prescribed by regulations.

CPVV may also include on the Register for each person whose name is on the Register:

- business contact details including a telephone number, facsimile number, postal address, email address and internet address;
- if the person has registered a motor vehicle in their name under Part 3 of the CPVI Act, details of the vehicle;
- if the person is a registered booking service provider (BSP), details of the BSP;
- if the person is an accredited driver, details of the issue of the certificate of driver accreditation.

Information about a person whose name is on the Register will only be included with the person's consent or after the person has been given 20 business days' notice of the information that will be published (this notice is given on all CPVV application forms). A person may apply to CPVV to restrict public access to information that is included on the Register. CPVV will only approve such an application if satisfied that there are exceptional circumstances that justify the restriction.

4.2 Disclosure authorised by law

In certain situations, CPVV is authorised to disclose Personal Information or Health Information to related transport and government agencies. Examples include booking services/associations, bus depots/associations, driving instructor associations, Melbourne Airport and relevant state and federal government agencies including Victoria Police and VicRoads.

We may do so if necessary to investigate or report on:

- (a) whether you are, were or will be suitable to be involved in the supply of commercial passenger vehicle services (including services relating to unbooked (taxi) commercial passenger vehicles or booked (hire car and rideshare) commercial passenger vehicles), commercial or local bus services or driving instructor services; or
- (b) whether you have broken the law in the course of your involvement in the supply of commercial passenger vehicle services (including services relating to unbooked (taxi) commercial passenger vehicles or booked (hire car and rideshare) commercial passenger vehicles), commercial or local bus services or driving instructor services.

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Personal Information may be shared with related government agencies via phone, email, post, fax or a shared database. Personal Information shared may include names, drivers licence numbers, credit card details and police records.

4.3 Disclosure to third party contractors

From time to time CPVV may contract out some of its functions and services, for example IT and market research. In these situations, your Personal Information or Health Information may be shared with third parties. Where CPVV engages third party providers, it will ensure that these parties have suitable data protection programs and privacy policies in place.

4.4 Disclosure outside Victoria

CPVV will only transfer your Personal Information or Health Information to another individual or organisation outside Victoria in limited circumstances, including when the recipient is subject to a law which upholds similar principles to the IPPs or HPPs, or you consent to the transfer. Specific disclosures will be made with consent or otherwise in accordance with the use and disclosure standards of the PDP Act and the HRA.

5 Data security and destruction

Irrespective of whether your Personal Information or Health Information is stored electronically or in hard copy form, CPVV will take reasonable steps to protect it from misuse and loss, and from unauthorised access, modification or disclosure.

CPVV will also take reasonable steps to destroy or permanently de-identify your Personal Information or Health Information if it is no longer required for CPVV to perform its regulatory functions.

6 Data quality, access and correction

CPVV will take reasonable steps to ensure that any Personal Information and Health Information it holds is accurate, complete and up to date. You are entitled to contact CPVV's Privacy Officer (contact details are set out below) and request access to and correction of any of your Personal Information or Health Information held by CPVV.

Under Section 229 of the CPVI Act, CPVV may correct any error or omission in the Register or the public version of the Register (refer to section 4.1).

6.1 Freedom of Information (FOI) requests

Access to some information that CPVV holds may require a formal request under section 17 of the FOI Act. Your FOI application and any queries should be made to:

CPVV Freedom of Information Officer

Commercial Passenger Vehicles Victoria
GPO Box 1716
Melbourne VIC 3001

Telephone 1800 638 802

Facsimile 03 8683 0777

Email FOI@cpv.vic.gov.au

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7 Unique identifiers

A unique identifier is a code consisting of letters or numbers (not the individual's name) that is assigned to an individual to distinguish them from other individuals, for example a driver's licence number or tax file number.

CPVV will not:

- assign, use or disclose unique identifiers to individuals unless it is necessary to do so to carry out one of its organisational functions efficiently;
- adopt, use or disclose a unique identifier assigned to you by another organisation except in limited circumstances; or
- require you to provide a unique identifier in order to obtain a service, unless it is required or authorised by law or connected to the purpose for which the unique identifier was assigned.

CPVV generally assigns a unique identifier if you are, have been or seek to become:

- (a) involved in the supply of commercial passenger vehicle services; or
- (b) a member of the Multi Purpose Taxi Program.

8 Privacy complaints

If you believe that your Personal Information or Health Information has been used by CPVV in a manner contrary to the PDP Act or HR Act, you may contact the CPVV Privacy Officer (on the details below) or lodge a complaint with the Office of the Victorian Information Commissioner ovic.vic.gov.au.

Information for submitting complaints to the Health Complaints Commission in respect of your Health Information is available at hcc.vic.gov.au

9 Further information and contact details

Further information about CPVV Privacy Policy is available at CPVV's website, or can be requested by contacting CPVV's Privacy Officer at:

Privacy Officer

Legal & Regulatory Services
Commercial Passenger Vehicles Victoria
GPO Box 1716
Melbourne VIC 3001

Telephone 1800 638 802 (toll-free)

Email privacy@cpv.vic.gov.au