Taxi Services Commission Privacy Policy

1. Introduction
This policy sets out the manner in which the Taxi Services Commission (TSC) will collect, use, hold, disclose and dispose of personal and health information and how this policy may be varied from time to time.

2. Definitions of personal, sensitive and health information
The TSC 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 2003 (Vic) (PDP Act) and the Health Privacy Principles (HPPs) set out in the Health Records Act 2003 (Vic) (HRA).

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 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 HRA 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, membership 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 the TSC 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 HRA, "Health Information" means information or an opinion about an individual's physical, mental or psychological health; whether an individual is a carrier of a disease; 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
The TSC 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 state functions or tasks.

The TSC will take reasonable steps to collect information directly from the individual. The TSC may collect information via written or electronic correspondence including telephone, email, fax or social media such as Facebook and Twitter.

The TSC may collect Personal Information or Health Information from you when you:
(a) apply for accreditation as a driver, permit holder (operator), or Taxi Booking Service (Network Service Provider);
(b) apply for a job with the TSC;
(c) request to be placed on the TSC's mailing list;
(d) make an inquiry or give comment about the TSC's functions and services;
(e) apply for a request to access documents under the Freedom of Information Act 1982 (Vic) (FOI Act).

The types of Personal Information the TSC may request from you include your name, date of birth, contact details, qualifications and employment history and the types of Health Information that the TSC 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 the TSC 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 taxis, hire cars, restricted hire cars and special purpose 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 taxi-cabs
If you have been a passenger in, or drive a taxi-cab, you may have been photographed and/or filmed by a security camera installed in the taxi-cab. If you were, those photographs and/or films may contain your Personal Information. We may collect or use that Personal Information, or disclose it to a law enforcement agency, or a privacy regulator, or the courts.

3.2 Collection statement/notice
Where the TSC collects Personal Information from you, it will take reasonable steps to ensure that you have 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. Where it is lawful and practical, the TSC will provide you with the option of not identifying yourself.

3.3 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.

3.4 Collection statement/notice
Where the TSC collects Personal Information from you, it will take reasonable steps to ensure that you have 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. Where it is lawful and practical, the TSC will provide you with the option of not identifying yourself.

4. Use and disclosure of Personal Information or Health information
The TSC 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, the TSC 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 include the Privacy Commissioner, the Australian Taxation Office and the Ombudsman.

Under Division 6A of Part VI of the Transport (Compliance and Miscellaneous) Act 1983, the TSC is required to keep a register of taxi industry participants (Register) and to make the Register publicly available, including to its website. The Register is maintained in the name of each private data processor (PDP) or taxiADING Authority, which includes:
(a) accreditation as a taxi-cab operator;
(b) accreditation as a provider of taxi-cab network services;
(c) accreditation to drive a commercial passenger vehicle;
(d) a hire car licence;
(e) a special purpose vehicle licence, and
any other information prescribed by regulations.

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

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

6. Data quality, access and correction
The TSC 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 the TSC 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 the TSC.

Under Section 169ZC of the Transport (Compliance and Miscellaneous) Act 1983, the TSC may, if it decides that it is necessary to do so, 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 requests
Access to some information that the TSC holds may require a formal request under section 17 of the Freedom of Information Act 1982 (Vic). Your FOI application and any queries should be made to:
TSC Freedom of Information Officer
Taxis Services Commission, GPO Box 1716, Melbourne VIC 3001
Telephone: 1800 638 802 Facsimile: 03 6863 0777 Email: FOI@taxi.vic.gov.au

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. The TSC will not:
(a) assign, use or disclose unique identifiers to individuals unless it is necessary to do so to carry out its organisational functions efficiently;
(b) 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.

The TSC generally assigns a unique identifier if you 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 TSC in a manner contrary to the PDP Act or HRA, you may contact the TSC Privacy Officer (on the details below), or lodge a complaint with the Commissioner for Privacy and Data Protection at: www.dataprotection.vic.gov.au.

9. Further information and contact details
Further information about the TSC’s Privacy Policy is available at the TSC website, or can be requested by contacting the TSC Privacy Officer.

The TSC Privacy Officer
Legal & Regulatory Services, Taxi Services Commission, GPO Box 1716, Melbourne VIC 3001
Telephone: 1800 638 802 Email: privacy@taxi.vic.gov.au