

ONRSR Policy

Privacy

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Office of the National Rail Safety Regulator
Level 1, 75 Hindmarsh Square, Adelaide SA 5000
PO Box 3461, Rundle Mall, Adelaide SA 5000
Phone: 08 8406 1500

E: contact@onrsr.com.au

W: www.onrsr.com.au



<https://x.com/ONRSRAustralia>

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1 Purpose

The purpose of this policy is to set out our approach to handling personal and sensitive information in accordance with the *Privacy Act 1988* (the Privacy Act).

2 Scope

This Privacy Policy summarises the way the Office of the National Rail Safety Regulator (ONRSR) will collect, use, store and disclose personal information and the way in which you can access and correct your personal information in accordance with the Privacy Act.

This policy applies to all ONRSR employees and other persons conducting work for ONRSR in accordance with the RSNL and privacy legislation or principles applicable to ONRSR.

This policy does not apply to the collection, storage, use or disclosure of non-personal information related to organisations or other entities, however such information may be bound by confidentiality requirements under the *Rail Safety National Law* (RSNL).

3 Policy statement

ONRSR is committed to ensuring the protection of personal and sensitive information.

4 Privacy obligations

ONRSR is classified as an organisation under the Commonwealth Privacy Act and is bound by the Privacy Act and the Australian Privacy Principles (APPs). These principles regulate the way we collect, use, disclose and store personal information, including sensitive information, and how individuals may access and correct records containing their personal information.

The Privacy Act requires entities subject to the APPs (APP entities) to have a clearly expressed up-to-date policy about the way they manage personal information. This document serves as ONRSR's Privacy Policy and will be reviewed and updated periodically to take into account any new laws or technology, and/or changes to ONRSR's functions, operations and practices.

As required by the Privacy Act, this Privacy Policy is made available on the ONRSR website (www.onrsr.com.au) and ONRSR will take all reasonable steps to provide a person or body a copy of this Privacy Policy in another format if requested.

5 Types of personal information collected and held by ONRSR

ONRSR collects a range of personal and sensitive information as defined in Section 6 of the Privacy Act.

The types of personal information that ONRSR generally collect and hold include:

- > Names and contact details of individuals (including emergency contacts for employees)
- > Employment records and contracts
- > Financial information such as Tax File Numbers, Bank and Superannuation details
- > Executive and Statutory appointments (such as Chief Executive and Non-Executive Members)
- > Educational/professional qualifications

- > Membership of professional or trade association or trade union
- > Contractor/Consultancy agreements
- > Drug and alcohol testing results
- > Information collected by Rail Safety Officers (RSO's) in course of monitoring, auditing and investigating compliance with the RSNL
- > Freedom of information (FOI) applications
- > Contract, tender and submission documents
- > Records for legal proceedings and
- > Complaint and feedback information.

6 Why and how ONRSR collects personal information

ONRSR collects personal information for the purposes of fulfilling ONRSR's objectives and key functions. This includes activities such as the employment of staff, accreditation and registration of operators, operational and compliance investigations, obtaining evidence, and receiving notifications and reports from industry of accidents and incidents.

Personal information is usually collected from the individual or their authorised representative but may be collected from a third party where the individual has consented to such a collection, or when we are required or authorised by law to collect information from someone other than the individual, or it is unreasonable or impracticable to collect the information from the individual. Third party sources of personal information can include:

- > information collected by ONRSR employees in the course of monitoring, auditing and investigating compliance with the RSNL
- > REPCON reports
- > notifiable occurrence reporting
- > companies contracted by ONRSR to undertake drug and alcohol testing
- > information transferred by former State Regulators
- > Ministerial correspondence.
- > Investigation reports (including draft reports) from the Australian Transport Safety Bureau (ATSB)

When personal information is collected about an individual from a third party, notification of the collection of personal information will be provided in accordance with APP 5.

7 How ONRSR stores personal information

ONRSR stores all personal information securely and within Australia. Personal information held by ONRSR is stored electronically or on hard copy files.

ONRSR takes all reasonable steps to ensure that personal information is protected from misuse, loss and interference. In addition to Information and Communications Technology (ICT) security and physical security measures, ONRSR protects the security of the personal information it holds from both internal and external threats through access security and monitoring controls, including:

- > taking measures to address and monitor risks, for example, by keeping a record (audit trail) of when someone has added, changed or deleted personal information held in ONRSR's business systems and regularly checking that employees only access those records they are permitted to and when they need to; and
- > conducting internal audits to assess whether ONRSR has adequately complied with or implemented these measures; and
- > by regularly reviewing ONRSR's data breach response plan to ensure that ONRSR meets its obligations under the notifiable data breach scheme under the Privacy Act.

It is important to note that when information surpasses its legal retention period it is securely destroyed in accordance with the *State Records Act 1997* (SA) and relevant disposal authorities or legally transferred to the State Archives.

8 How ONRSR uses and discloses personal information

ONRSR only uses and/or discloses information for the purposes for which it was provided to us (the primary purpose), unless an individual has consented to another use or the use or disclosure is for one of the secondary purposes described below.

There are certain limited circumstances in which ONRSR may use or disclose information for a different purpose, known as a secondary purpose, where that purpose is:

- > directly related to the primary purpose for which the information was collected
- > required or authorised under an Australian law or has been ordered by a court or tribunal
- > necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or public health or safety
- > a permitted general situation or health situation, as defined by the Privacy Act or
- > an enforcement related activity and the use or disclosure of the information is reasonably necessary.

If ONRSR uses or discloses personal information for a purpose other than what it was originally collected for, we will keep a written notice of that use or disclosure as required by the APPs.

9 Visiting ONRSR's website

Our website collects and uses the following information from users:

Site visit information

- > A record of your visit which may include the following information for statistical purposes - the user's IP address, the date and time of the visit to the site, the pages accessed, and documents downloaded, and the type of device, browser and operating system used. No attempt will be made to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect our logs or those of our service provider's.

Cookies

- > A cookie is a small string of information that a website transfers to your browser for identification purposes. The cookies we use do not identify individual users, although they do identify the user's internet browser, hardware device and IP address.

- > We use cookies to hold anonymous session information. This information is used to personalise your current visit to the website, for example to allow the website to remember who you are by keeping server variables linked to your session.
- > Most internet browsers are set to accept cookies. If you prefer not to receive them, you can adjust your internet browser to reject cookies, or to notify you when they are being used. There are also software products available that can manage cookies for you. Rejecting cookies can, however, limit the functionality of our website.

ONRSR's website retains the contact details of people who utilise the 'Contact us' form and other online forms so that we may respond to the query. Contact details will not be used for any other purpose, nor disclosed without your consent. Your personal information will not be disclosed to a third party except in accordance with section 244 of the RSNL.

Internet communications may be susceptible to interference or interception by third parties. Despite its best efforts, ONRSR makes no warranties that our website is free of infection by computer viruses or other unauthorised software. ONRSR will not be liable for any loss, damage, cost or expense resulting from any breach of a security measure (including viruses or other unauthorised software).

Please note that our website contains links to other web sites that contain content related to matters of National Rail Safety. We are not responsible for the privacy practices of any other site and they may have a different privacy policy.

10 Overseas disclosure

ONRSR does not routinely disclose personal information to overseas recipients. If disclosure of information to an overseas recipient becomes necessary ONRSR will comply with APP 8 which requires ONRSR to take all reasonable steps to ensure the recipient does not breach the Australian Privacy Principles in relation to the information.

11 Access to and correction of personal information

Access to your personal information

Individuals may request access to any personal information ONRSR holds about them by contacting us. ONRSR will process the request and provide access to the information within a reasonable period after the request is made. There is no charge associated with making a request. If ONRSR decides not to grant access to the information, a written statement of reasons will be provided.

This mechanism operates alongside the *Freedom of Information Act 1991 of South Australia* (the FOI Act) under which an individual may request access to personal information held by ONRSR. Further information on how ONRSR deals with FOI requests is available on the ONRSR [website](#).

For security reasons, and to protect individual's privacy, applicants may be asked to provide proof of their identity when applying to access personal information. To access personal information, a written request should be sent to ONRSR's Privacy Officer using the contact details at the end of this policy.

Requests made on behalf of another person

If you are making a request to access or correct the personal information of another person, we will ask you for a written authority from that person, authorising you to make the request on their behalf. We will also ask

for evidence of both identities, showing clearly that you are the person who is authorised to apply on behalf of the other person.

Remaining anonymous

You can use a pseudonym or remain anonymous when interacting with us. However, in some circumstances you may have to provide certain personal information. For example, we may require personal information to assess your eligibility for a program or service.

We will inform you if you are not able to remain anonymous or use a pseudonym when dealing with us.

Correction of personal information

Individuals may request ONRSR to correct personal information held about them that they consider to be inaccurate, out of date, incomplete, irrelevant or misleading.

If an individual considers information held by ONRSR requires amendment, a written request should be sent to ONRSR's Privacy Officer with details of the information that needs correcting. There is no charge associated with making a request for correction of personal information and ONRSR will provide notification of the outcome within a reasonable timeframe.

This also operates alongside the FOI Act under which an individual may make a request to have personal information amended or annotated. Information about how ONRSR handles FOI requests can be found on our [website \(www.onrsr.com.au\)](http://www.onrsr.com.au).

12 Complaints

Individuals can make a complaint about the way ONRSR has handled their personal information in writing to the Privacy Officer using the contact details provided below. We take all complaints seriously and are committed to a quick and fair resolution. The complaint should provide sufficient detail for the issue to be investigated. We will respond to your request or complaint promptly if you have provided us with your contact details.

If an individual is not satisfied with the outcome of an investigation, a complaint can be submitted to the Office of the Australian Information Commissioner (OAIC). Further details about making a privacy complaint to the OAIC can be found at www.oaic.gov.au/privacy/privacy-complaints/lodge-a-privacy-complaint-with-us

13 Contacting ONRSR

If you would like to request access to or correction of your personal information or have any queries regarding this Privacy Policy or complaints about ONRSR's management of privacy, you can:

- > Phone us on: (08) 8406 1500
- > Email us at: privacy@onrsr.com.au
- > Write to the ONRSR Privacy Officer at:
The Privacy Officer
Office of the National Rail Safety Regulator
PO Box 3461, Rundle Mall
Adelaide SA 5000