

# ONRSR Policy

Privacy Policy



Document control	
Objective ID:	A890980
Version number:	Version 1
Approved by:	Sue McCarrey, Chief Executive, ONRSR
Date approved:	7 November 2018

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## 1 Policy statement

The Office of the National Rail Safety Regulator (ONRSR) is committed to ensuring the protection of personal and sensitive information.

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 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](http://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.

## 3 Scope

This Privacy Policy summarises the manner in which 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).

## 4 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 staff);
- > 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.

## 5 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 staff 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.

## 6 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.

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.

## 7 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.

## 8 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.

## 9 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.

### 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)).

## 10 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.

The complaint should provide sufficient detail for the issue to be investigated.

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/making-a-privacy-complaint](http://www.oaic.gov.au/privacy/making-a-privacy-complaint)

## 11 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:

- > Write to us at: Level 1, 75 Hindmarsh Square Adelaide SA 5000 or at PO Box 3461 Rundle Mall Adelaide SA 5000
- > Phone us on: (08) 8406 1580
- > Email us at: [privacy@onrsr.com.au](mailto: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**