

Application to restrict access to details on the public register

Instructions

The Taxi Services Commission (TSC) must keep a register of taxi-industry participants under the *Transport (Compliance and Miscellaneous) Act 1983 (Act)*. Information on the register will be made public, unless the TSC decides that access to that information should be restricted.

Who should use this form?

If there is information on the register that relates to you, you can apply to the TSC to restrict public access to that information. You can use this form if you want to restrict access to your information on the register.

Information can only be restricted from the public register if the TSC is satisfied that there are exceptional circumstances that justify the restriction.

Why should I use this form?

This application form is a convenient and simple way for you to make an application to restrict public access. It will help you to identify the information you should give to the TSC to help you in your application.

The TSC encourages use of an application form for making applications to restrict public access to information on the register, but you can also make an application verbally (for example, over the telephone or at the Customer Service Counter) or in writing (such as via email).

If the TSC determines to grant your application to restrict public access, your details will not be removed from the register, but they will not be publicly available.

Application to restrict access to details on the public register

**PART
A**

PART A: Applicant's details

1 I am applying as:

- An individual. *If yes, go to Question 3 (My contact details)*
- A non-individual (eg corporation, partnership)

2 I am applying on behalf of a non-individual as a:

- Director
- Company Secretary
- Partner
- Responsible Person
- Other person (please specify)

3 My contact details are:

Surname

First Name

Mailing address

Telephone number(s)

Email

Fax

4 I am (or my business is) a:

- Commercial Passenger Vehicle driver – Accreditation number:
- Taxi permit holder (operator) – Accreditation number:
- Taxi Booking Service (Network Service Provider) – Accreditation number:
- Hire car licence holder – Licence number:
- Special Purpose Vehicle licence holder – Licence number:

Application to restrict access to details on the public register

**PART
B**

PART B: Details the Applicant wants to have restricted

5 What information do you (or your business) want to have restricted from public access? (Tick each that apply)

All information that relates to me or my business.

OR

My or my business's name

All of my or my business's contact details

Only these business contact details (tick each that applies):

Telephone number

Fax number

Postal address

Email address

Details of the service I or my business provides as a Taxi Booking Service

The number of vehicles I or my business operates

6 Why do you want access to your details restricted from the public register?

NOTE: Information can only be restricted from the public register if the TSC is satisfied that there are exceptional circumstances that justify the restriction.

Please give details of why you say there are exceptional circumstances that justify the restriction:

You should attach evidence to your application to support your claim that the information should be restricted. Please give details of the evidence you have attached to your application provided here.

7 For how long do you think access should be restricted from the public register?

Always (indefinitely)

Only for a limited period of

Please give reasons for why you are requesting this period.

Application to restrict access to details on the public register

**PART
C**

PART C: Declaration

I declare that the information I have provided in this application is true and correct.

I declare that I have read and understood the attached Privacy Statement.

I consent to the TSC collecting, storing and retaining all information (including personal and sensitive information) obtained from me, any relevant persons in relation to the application, Victoria Police, VicRoads, the Department of Justice, the Sheriff's Office, any other government department or agency, or other persons, and using, or disclosing that information to third parties, or the contact person for this application, for the purposes of making a determination on this application, or for purposes under the Act or as otherwise authorised by law.

I understand that it is an offence against the Act to provide false and misleading information to the TSC.

Signed

Name

Date

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. 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 and health information in accordance with the Information Privacy Principles (IPPs) set out in the *Information Privacy Act 2000* (Vic.) (Privacy Act) and the Health Privacy Principles (HPPs) set out in the *Health Records Act 2001* (Vic.) (HRA).

2.1 Definition of personal information

Under the Privacy 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 Privacy 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 Privacy 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, 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 statutory obligations.

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 and/or social media such as Facebook and Twitter. Information may also be collected in person.

The TSC may collect Personal or Health Information from you when you:

- apply for accreditation as a driver or operator;
- apply for a job with the TSC;
- request to be placed on the TSC's mailing list;
- make an inquiry or give comment about the TSC's functions and services; or
- lodge a request for access to 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 taxi, commercial passenger vehicle, private bus or driving instructor services

If you are involved in the supply of taxi, commercial passenger vehicle, private bus or driving instructor services, we may collect or use your Personal or Health information where required.

3.1.2 Security cameras in taxis

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

- whether a crime has been committed by or against you; and/or
- 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 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 the TSC 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, the TSC will provide you with the option of not identifying yourself.

4. Use and disclosure of Personal 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 some 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 of organisations with these powers include ASIO, ASIS and Centrelink.

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 on its website. The Register must include the name of each person who holds:

- accreditation as a taxi-cab operator;
 - accreditation as a provider of taxi-cab network services;
 - accreditation to drive a commercial passenger vehicle;
 - a hire car licence; or
 - a special purpose vehicle licence,
- and any other information prescribed by regulations.

The TSC 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;
- details of any taxi-cab network service provided by the person; and
- the number of taxi-cabs operated by the person.

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 28 days' notice of the information that will be published (this notice is given on all TSC application forms). A person may apply to the TSC to restrict public access to information that is included on the Register. The TSC will only approve such an application if satisfied that there are exceptional circumstances that justify the restriction.

4.2 Disclosure authorised by law

In some matters, the TSC is authorised to disclose Personal or Health Information to related transport and government agencies. Examples include taxi depots/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:

- whether you are, were or will be suitable to be involved in the supply of taxi, commercial passenger vehicle, private bus or driving instructor services; or
- whether you have broken the law in the course of your involvement in the supply of taxi, commercial passenger vehicle, private bus or driving instructor services.

Information may be shared with related government agencies via phone, email, post, fax or a shared database.

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 the TSC may contract out some of its functions and services, for example IT and market research. In these situations your Personal or Health Information may be shared with third parties. Where the TSC 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

The TSC will only transfer your Personal 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 Privacy Act and the HRA.

5. Data security and destruction

Irrespective of whether your Personal 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 or Health Information if it is no longer needed for any purpose, unless, in the case of Personal Information, it is subject to the *Public Records Act 1973*, in which case it will be disposed of in accordance with that Act.

6. Data quality, access and correction

The TSC will take reasonable steps to ensure that any Personal 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 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

Taxi Services Commission, Level 23, 80 Collins Street, Melbourne VIC 3000

Telephone: 1800 638 802 Facsimile: 03 8683 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:

- 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.

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

- involved in the supply of taxi services; or
- a member of the Multi Purpose Taxi Program.

8. Privacy complaints

If you believe that your Personal or Health Information has been used by TSC in a manner contrary to the Privacy Act or HRA, you may contact the TSC Privacy Officer (on the details below) or lodge a complaint. Information for submitting complaints in respect of your Health Information is available at: **Health Services Commissioner's website: www.health.vic.gov.au/hsc**

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. All requests and communications may be made to the TSC Privacy Officer at:

The TSC Privacy Officer

Legal Services, Taxi Services Commission, GPO Box 1716, Melbourne VIC 3001

Telephone: 1800 638 802 (toll-free)

Email: privacy@taxi.vic.gov.au