

# **Privacy Management Plan**

State Transit Authority of NSW

March 2020

## Contents

1	Introduction.....	3
1.1	Purpose.....	3
1.2	About us.....	3
1.3	Contact us.....	4
2	Personal and health information held by State Transit.....	5
3	How State Transit manages personal and health information.....	6
3.1	Collection of personal and health information – key principles.....	6
3.2	Use and disclosure of personal and health information – key principles.....	7
3.3	Exemptions from the Information Protection Principles (IPPs) and Health Privacy Principles (HPPs).....	10
3.3.1	Exemptions from IPPs.....	10
3.3.2	Exemptions from HPPs.....	10
3.3.3	Codes of practice or public interest directions.....	10
4	How to access and revise your information.....	11
4.1	Employees.....	11
4.2	Accessing or amending other people’s information.....	11
4.3	Access to information under GIPA Act.....	12
5	State Transit’s strategies for compliance and best practice.....	13
5.1	Policies and Procedures.....	13
5.2	Promoting privacy awareness.....	13
5.3	Review and continuous improvement.....	14
6	Your rights.....	15
6.1	Requesting an internal review.....	15
6.1.1	Your rights of internal review.....	15
6.1.2	Process.....	15
6.1.3	Timeframes.....	16
6.1.4	Other ways to resolve privacy concerns.....	16
6.2	Requesting an external review.....	16
6.3	Complaints to the Privacy Commissioner.....	17
6.4	Document Change History.....	17
7	Key definitions.....	18
7.1	What is personal information?.....	18
7.2	What is not personal information?.....	18
7.3	What is health information?.....	18
7.4	What is not health information?.....	19
7.5	Sensitive personal information.....	19
7.6	Other definitions.....	19
	Annexure A – Personal and health information held by State Transit.....	20
	Annexure B – Significant Information Systems.....	22

# 1 Introduction

---

## 1.1 Purpose

State Transit Authority of New South Wales (State Transit) takes the privacy of our staff and the people of NSW seriously. This Privacy Management Plan is an important tool in explaining how State Transit upholds and respects the privacy of our staff, contractors and others about whom we hold personal information. The Plan also explains who to contact with questions about the information collected and held by State Transit, how to access and amend your personal information and what to do if State Transit may have breached its privacy obligations under the *Privacy and Personal Information Protection Act 1998* (NSW) (**PPIP Act**) or the *Health Records and Information Privacy Act 2002* (NSW) (**HRIP Act**).

In addition, this Plan acts as a reference tool for staff of State Transit to explain how we can best meet our privacy obligations under the PPIP and HRIP Acts. As public sector officials, State Transit staff are required to comply with the PPIP and HRIP Acts. This Plan is intended to assist staff to understand and comply with their obligations under those Acts.

The PPIP Act and HRIP Act contain criminal offence provisions applicable to public sector officials and persons who misuse personal and health information. For example, there are offences relating to:

- Corrupt disclosure and use of personal information by public sector officials; and
- Offering to supply personal or health information that has been disclosed unlawfully.

State Transit staff are regularly reminded of their responsibilities under the PPIP Act and HRIP Act and these obligations are reinforced in our [Code of Conduct](#) and through initiatives outlined in Part 4 of this Plan.

## 1.2 About us

**State Transit** is a NSW government agency in the Greater Sydney Portfolio of the Transport for NSW (TfNSW) Operating Model, with the legislated mandate to operate efficient, safe and reliable bus services, across Sydney. Our functions are set out in Part 3 Division 2 of the *Transport Administration Act 1988* (NSW) (TAA).

As a NSW public sector agency, State Transit is required by the PPIP Act to have a privacy management plan. This plan is available on the State Transit [website](#).

TfNSW sets the strategic direction for the Transport cluster and works in partnership with State Transit, Sydney Trains, NSW Trains, Sydney Metro, Point to Point Commission and Office of Transport Safety Investigations. All of these agencies, together with TfNSW, comprise the Transport cluster.

### 1.3 Contact us

For further information about this Plan, any other concerns about your privacy or information on the following, on how State Transit manages personal and health information:

- Requests for access to and amendment of personal or health information
- Guidance on broad privacy issues and compliance
- Requests to conduct internal reviews about possible breaches of the PPIP Act and HRIP Act (unless the subject of the review is the conduct of the Privacy Officer)

please contact the State Transit Privacy Officer via;

**Web:** [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)

**Post:** Legal, Privacy & Information Access Branch

Transport for NSW

PO Box K659

Haymarket NSW 1240

**Email:** [privacy@transport.nsw.gov.au](mailto:privacy@transport.nsw.gov.au)

## 2 Personal and health information held by State Transit

---

State Transit collects and holds personal information and health information in order to provide an efficient, safe and reliable public transport service. It also has substantial obligations in respect of maintaining personnel files and records of staff.

State Transit does not maintain any public registers for the purposes of the PPIP Act or HRIP Act. Examples of the personal and health information collected by State Transit in the exercise of its functions is at **Annexure A of this document**.

The Executive Director Finance and Corporate Services must be consulted regarding proposals to share or disclose sets of personal information held by us.

We use a number of significant information systems to handle and store personal health information and follow strict rules in the storage of personal and health information in order to protect from unauthorised access loss or other misuse. **At Annexure B is a list of the significant information systems operated by State Transit.**

TfNSW holds some of the personal and health information for State Transit employees, as it provides a range of centralised corporate services such as recruitment, human resources, payroll and records archival to State Transit.

## 3 How State Transit manages personal and health information

This section describes how State Transit uses, discloses and stores personal and health information in alignment with its functions and activities, and with standards which State Transit is expected to follow when dealing with personal information and health information.

Key definitions, including a description of what is and what is not personal or health information are located at Part 7.

### 3.1 Collection of personal and health information – key principles

PPIP Act [Sections 8-11](#), HRIP Act [HPPs 1-4](#)

*Collection must be:*

- *for a lawful purpose;*
- *directly from an individual;*
- *meet specific requirements for notice; and*
- *relevant, not excessive, accurate and not intrusive.*

We won't ask for your personal or health information unless it is directly related to our functions or activities and its collection is reasonably necessary for us to perform those functions or activities. We will especially avoid collecting sensitive personal information if we don't need it. By limiting our collection of personal and health information to only what we need, it is much easier to comply with our obligations.

We will take reasonable steps to ensure that the personal and health information we collect is relevant, accurate, up-to-date, complete, is not misleading or unreasonably intrusive or excessive.

We will only collect personal and health information about a person from a third party where:

- It is lawful to do so, or the individual has authorised collection of the information from someone else; or
- The individual is under 16 years of age – in which case we may instead collect personal information from the individual's parent or guardian; or
- It would be unreasonable or impracticable to collect information directly from the individual.

Where reasonable to do so, we will notify members of the public that their information is being collected via a 'privacy notice' displayed or included on an application form, web page, recorded message or in a verbal notice at the time the personal or health information is collected, or as soon as practicable afterwards.

## 3.2 Use and disclosure of personal and health information – key principles

PPIP Act [Sections 16-19](#), HRIP Act [HPPs 9-11 & 14](#)

An agency must:

- Check the information before using it to make sure it is relevant, up to date, complete and not misleading;
- Not use information for a purpose other than the collection purpose except in limited circumstances; and
- Not disclose information for a purpose other than the collection purpose except in limited circumstances.

When we use personal and health information, it means that we use it internally *within* State Transit. This includes the provision of information to contractors engaged by State Transit to manage information on our behalf in circumstances where State Transit retains control over the handling and use of the information.

We will only use personal and health information for:

- The primary purpose for which it was collected
- A directly related purpose
- Another purpose where it is reasonably necessary to prevent or lessen a serious and imminent threat to life or health of the individual to whom the information relates or of another person
- Another purpose for which the individual has consented, or
- Another purpose where permitted by law.

Some examples of where the law permits us to use personal or health information for another (secondary) purpose include:

- quality assurance activities such as monitoring, evaluating and auditing;
- work health and safety laws require that we use information to ensure the safety of our employees; or
- unsatisfactory professional conduct or breach of discipline.

When we disclose information, it means that we give it to a third party *outside* State Transit to use the information for their own purposes. We will only disclose personal information if:

- The disclosure is directly related to the purpose for which the information was collected; or
- The individual has been made aware in the privacy notice that information of the kind in question is usually disclosed to the recipient; or
- We reasonably believe that the disclosure is necessary to prevent or lessen a serious and imminent threat to life or health; or
- Where the disclosure is otherwise authorised by law.

Our collection notice will tell you when we disclose your personal information. We have formal arrangements in place which govern the way we share personal and health information with other government agencies. Any information disclosed to another government agency will require that agency to continue to comply with the PPIP and HRIP Acts. In each case, disclosure is either for the purpose for which the information was collected or is made under lawful authorisation.

### **Sensitive information**

PPIP Act [Section 19](#), HRIP Act [HPP 14](#)

*An agency must:*

- *Comply with special restrictions on disclosing or transferring sensitive information outside NSW.*

We recognise that additional protection should be given to sensitive personal information (relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities). We can generally only disclose sensitive personal information when the individual has consented to the disclosure or when it is necessary to prevent a serious and imminent threat to life or health.

In the case of health information, we can disclose health information for the primary collection purpose or otherwise when:

- The individual has consented to the disclosure;
- The disclosure is directly related to the purpose for which it was collected and the individual would reasonably expect us to disclose the information for that purpose; or
- The disclosure is necessary to prevent or lessen a serious and imminent threat to life, health or safety.

Circumstances in which we may disclose personal and health information include when we are managing investigations, complaints or claims. In many cases where we use personal information we anonymise it first.

### **Retention and Security**

PPIP Act [Section 12](#), HRIP Act [HPP 5](#)

*An agency must:*

- *Keep information only for as long as necessary for its lawful purposes for use;*
- *Dispose of the information appropriately;*
- *Protect the information through appropriate safeguards; and*
- *Do everything reasonably within its power to protect the information when the information is given to another person to provide a service to the agency.*

Information security is fundamental to information privacy. Security measures include technical, physical and administrative actions.



Some of the security measures taken by State Transit include:

- Restricting access to all IT systems and databases to ensure that only authorised users with a clear business need can access them.
- Use of strong passwords for computer access and a mandatory requirement that all staff change computer access passwords on a regular basis.
- Implementing and maintaining security software across all network components in arrangements for data transmissions (including encryption and password protection where appropriate), backup and storage.
- Providing staff with access to secure storage spaces to secure documents and devices.
- Maintaining and continually improving transport information security management systems that comply with ISO/IEC 27001:2013 standard.
- Aligning with our obligations under the NSW Government *Information Management Framework* and *Cyber Security Policy 2019*
- Adopting best practice in electronic and paper records management and complying with our obligations under the *State Records Act 1998* (NSW).
- Keeping information for only as long as necessary.
- When no longer required, we destroy information in a secure manner as appropriate (for example, using secure (locked) recycling bins and shredders).
- Where it is necessary for information to be transferred to a third party provider for the purposes of providing us with a service, we develop and execute contract terms that would prevent them from unauthorised use or disclosure of information that we hold.
- Publishing information security management protocols and undertaking periodic staff awareness initiatives and induction training.

### **Additional Health Privacy Principals**

HRIP Act [HPPs 12, 13 & 15](#)

*An agency must:*

- *Only assign health identifiers to individuals if reasonably necessary to enable it to carry out its functions efficiently;*
- *Give an individual the opportunity not to identify themselves with respect to health services or transactions; and*
- *Not include a health record in a health record linkage system without consent, nor disclose an identifier without consent.*

Identifiers are used to uniquely identify an individual and their health records. An identifier does not need to use a person's name as they are designed to be unique to a specific individual (for example, a customer number, unique patient number, tax file number, or driver licence number).

We will only use health records linkage systems when individuals have expressly consented to their information being included on such a system.

### **3.3 Exemptions from the Information Protection Principles (IPPs) and Health Privacy Principles (HPPs)**

#### **3.3.1 Exemptions from IPPs**

*PPIIP Act [sections 22-28](#) relating to law enforcement and related matters; ASIO; investigative agencies; lawful authorisation; where non-compliance benefits and individual; specific exemptions for statutory agencies; information exchanges between public sector agencies; research; credit information; and other exemptions.*

The PPIIP Act contains exemptions that may apply to State Transit in certain situations. For example, we may not be required to comply with the following IPPs in some circumstances:

- Direct collection (section 9 (IPP 2) of the PPIIP Act);
- Notice (section 10 (IPP 3) of the PPIIP Act);
- Access and transparency (sections 13 to 15 (IPPs 6 to 8) of the PPIIP Act); or
- Use and disclosure (sections 17 to 19 (IPPs 10 to 12) of the PPIIP Act).

We do not use the other exemptions on a regular basis as they are not usually relevant to our work or functions. However, if an exemption was to be used, we aim to be clear about the reasons for using it.

#### **3.3.2 Exemptions from HPPs**

Exemptions are located mainly in [Schedule 1 of the HRIP Act](#) and may apply to State Transit in certain situations.

For example, we are not required to comply with the HPPs in [clauses 4 to 8 and 10](#) if we are lawfully authorised, required, or permitted not to comply with them.

We do not use the other exemptions on a regular basis as they are not usually relevant to our work. However, if an exemption were used, we aim to be clear about the reasons for using it.

#### **3.3.3 Codes of practice or public interest directions**

There are no privacy codes of practice or public interest directions that apply to State Transit.

## 4 How to access and revise your information

PPIP Act [Section 13-15](#), HRIP Act [HPPs 6-8](#)

An agency must:

- Take reasonable steps to enable any person to ascertain details of the information the agency holds about them;
- When requested, provide individuals with access to their information without excessive delay or expense; and
- Make appropriate amendments or make notations to ensure the information remains accurate, relevant, up-to-date, complete and not misleading.

Everyone has the right to access the personal and/or health information State Transit holds about them. You also have the right to change your own personal and/or health information State Transit holds for example, updating your contact details. However, if State Transit thinks, in the circumstances, it is not appropriate to amend the information then you can request a statement about the requested changes be attached to the information.

State Transit is required to provide you with access to the personal and/or health information we hold and allow you to amend this information without excessive delay or expense.

There is no fee to access or amend your personal and/or health information.

This section explains how to request access to your own information via an informal or formal application.

State Transit encourages you to keep your personal and/or health information up-to-date and accurate, particularly information about your personal contact details and next of kin contact details so that you (or they) can be contacted in an emergency. It is also your responsibility to inform us if you wish to change your bank account details or payment details.

### 4.1 Employees

State Transit encourages you to contact the member of staff or business unit holding your information if you wish to access or amend your personal or health information.

In relation to personnel records access will depend on the file type. Requests or changes to personnel records will be processed by the business unit and in accordance with relevant policies.

Employees can access their personnel files by either making a request to Transport Shared Services (**TSS**) or by contacting HR Advisory on 1800 618 445 or at [fnswhr@transport.nsw.gov.au](mailto:fnswhr@transport.nsw.gov.au)

### 4.2 Accessing or amending other people's information

The PPIP Act and the HRIP Act give people the right to access their own information; the Acts generally do not give people the right to access someone else's information.

However, section 26 of the PPIP Act allows an individual to give consent to State Transit to disclose their personal information to someone else who would not normally have access to it.

Likewise, under section 7 and section 8 of the HRIP Act, an 'authorised representative' can act on behalf of someone else. The HPPs also contain information regarding other reasons State Transit may be authorised to disclose health information, such as in the event of a serious and imminent threat to the life, health and safety of the individual or another person, in order to help find a missing person, or for compassionate reasons.

If none of these circumstances are relevant, a third party can consider making an application for access to government information under the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act).

### **4.3 Access to information under GIPA Act**

Anyone can access government information that is held by State Transit in accordance with the GIPA Act. Sometimes the information requested can include personal and health information of other people. There are certain considerations that are taken into account before any information is released and State Transit may withhold the personal and health information of another person. For more information about the GIPA Act or making an access application, please visit the TfNSW [website](#).

## 5 State Transit's strategies for compliance and best practice

---

State Transit adopts several strategies to implement best practice principles and comply with our obligations under the PPIP Act and the HRIP Act. These strategies recognise that privacy is a shared responsibility within the agency.

### 5.1 Policies and Procedures

State Transit is required to set out in this plan how policies and practices are developed to ensure compliance by the agency with the requirements of privacy legislation.

This plan sets out a number of specific elements of our privacy protection framework. Policies and practices are developed by:

- examining changes in the legislative, policy or operational environment for their impacts on State Transit's privacy management;
- conducting regular reviews of privacy policies and notices;
- considering the privacy implications of changes to policies and systems for any procedural changes needed.

In particular, State Transit's [Code of Conduct](#) outlines the responsibilities of our staff in protecting privacy in the course of their duties. All staff are provided with a copy of the Code and are regularly reminded of their obligations. The Code is available on the TfNSW website and our intranet.

### 5.2 Promoting privacy awareness

State Transit undertakes a range of initiatives to ensure our staff, contractors and members of the public are informed of our privacy practices and obligations under the PPIP Act and the HRIP Act. Information about our privacy practices are also made available on the privacy page on TfNSW's [website](#).

State Transit promotes privacy awareness and compliance by:

- Publishing and promoting this plan on our intranet and website.
- Including privacy in our induction program in the modules for Code of Conduct and Fraud and Corruption awareness.
- Publishing and promoting all privacy policies on our intranet.
- Promoting cross-cluster Privacy Management initiatives and staff awareness activities.
- Providing information and support to managers and staff dealing with privacy matters.
- Assessing privacy impacts of new projects or processes from the outset.
- Senior executives endorsing a culture of good privacy practice.

- Educating the public about their privacy rights and obligations through the TfNSW website.

### **5.3 Review and continuous improvement**

State Transit evaluates the effectiveness and appropriateness of its privacy practices, policies and procedures to ensure they remain effective and to identify, evaluate and mitigate risks of potential non-compliance.

State Transit is committed to:

- Monitoring and reviewing its privacy processes regularly.
- Further promoting and maintaining privacy awareness and compliance.
- Encouraging feedback from our staff on our privacy practices.
- Introducing initiatives that promote good privacy handling in our business practices (such as assessing privacy impacts of new projects or processes from the outset).
- Maintaining and continually expanding the scope of Transport information security management systems that align to ISO/IEC 27001:2013 standard.
- Carrying out risk assessments on our digital information and digital information systems.
- Promoting staff information security awareness to ensure information security compliance is fundamental in day-to-day activities.
- Making this plan publicly available as open access information under the GIPA Act.

State Transit is a member of the TfNSW Privacy Forum which meets to discuss privacy issues and identify opportunities for better practice in protecting privacy.

## 6 Your rights

---

### 6.1 Requesting an internal review

Any person can make a privacy complaint by applying for an 'internal review' of the conduct they believe breaches an IPP and/or a HPP. A person can also discuss any concerns with the privacy team or email [privacy@transport.nsw.gov.au](mailto:privacy@transport.nsw.gov.au).

Internal review is the process by which State Transit manages formal, written privacy complaints about how we have dealt with personal information or health information. All written complaints about privacy are considered to be an application for internal review, even if the applicant doesn't use the words 'internal review'. If you would prefer to resolve your privacy concern informally, please let us know when you contact us (see 6.1.4 below).

#### 6.1.1 Your rights of internal review

An application for internal review should:

- be in writing;
- be addressed to TfNSW;
- specify an address in Australia at which you can be notified after the completion of the review.

To apply for an internal review, you can submit the [Application Form – Internal Review of Conduct in relation to a privacy breach](#) or send your application and any relevant material by email or post to TfNSW.

#### 6.1.2 Process

The internal review will be conducted by a person who:

- was not involved in the conduct which is the subject of the complaint;
- is a staff member of State Transit, and
- is qualified to deal with the subject matter of the complaint.

Internal review follows the process set out in the Information & Privacy Commission's [internal review checklist](#). When the internal review is completed, the applicant will be notified in writing of:

- the findings of the review;
- the reasons for those findings;
- the action we propose to take;
- the reasons for the proposed action (or no action), and
- the applicant's entitlement to have the findings and the reasons for the findings reviewed by the NSW Civil and Administrative Tribunal (NCAT).

State Transit is required to provide a copy of your internal review request to the Privacy Commissioner.

State Transit will also send a copy of the draft internal review report to the Privacy Commissioner and take into account any submissions made by the Privacy Commissioner.

State Transit will keep the Privacy Commissioner informed of the progress of the internal review and will provide a copy of the finalised internal review report.

Further information about the internal review process is available on the IPC website [How to handle an internal review](#).

### **6.1.3 Timeframes**

You must lodge your request for internal review within six months from the time you first became aware of the conduct that you think breached your privacy. A late application may be accepted in certain circumstance. If a late explanation is not accepted then you will be provided with a written explanation.

State Transit will acknowledge receipt of an internal review and will aim to:

- Complete the internal review within 60 calendar days, (You will be contacted if the review is likely to take longer than 60 days to complete); and
- Respond to you in writing within 14 calendar days of completing the internal review.

If the internal review is not completed within 60 days, you have a right to seek a review of the conduct by the NCAT.

### **6.1.4 Other ways to resolve privacy concerns**

We welcome the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with us informally before lodging an internal review.

You can raise your concerns with us by contacting [privacy@transport.nsw.gov.au](mailto:privacy@transport.nsw.gov.au).

Please keep in mind that you have six months from when you first became aware of the potential breach to seek an internal review. This six month time frame continues to apply even if attempts are being made to resolve privacy concerns informally. Please consider this time frame when deciding whether to make a formal request for internal review or continue with informal resolution.

## **6.2 Requesting an external review**

If you are unhappy with the outcome of the internal review conducted by State Transit or do not receive an outcome within 60 days, you have the right to seek an external review by the NCAT.

You have 28 calendar days from the date of the internal review decision to seek an external review under Section 53 of the *Administrative Decisions Review Act 1997* (NSW).

To request an external review, you must apply directly to the NCAT, which has the power to make binding decisions on an external review.

To apply for an external review or to obtain more information about seeking an external review, including current forms and fees, please contact the NCAT:



Website: <http://www.ncat.nsw.gov.au/>

Phone: 1300 006 228

(02) 9377 5711

Visit/post: Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

The NCAT cannot give legal advice, however the NCAT website has general information about the process it follows and legal representation.

### 6.3 Complaints to the Privacy Commissioner

Individuals have the option of complaining directly to the Privacy Commissioner if you believe that we have breached your privacy.

The Privacy Commissioner's contact details are:

**Office:** NSW Information & Privacy Commission

Level 17, 201 Elizabeth Street

Sydney NSW 2000

**Post:** GPO Box 7011

Sydney NSW 2001

**Phone:** 1800 472 679

**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

### 6.4 Document Change History

<u>Change History</u>	<u>Date</u>	<u>Action Officer</u>	<u>Change</u>
<u>2</u>	<u>March 2020</u>	<u>Business Support Officer Finance &amp; Corporate Services</u>	<u>Review and republication</u>
<u>1</u>	<u>October 2016</u>	<u>General Counsel STA</u>	<u>Full review and republication</u>

## 7 Key definitions

---

### 7.1 What is personal information?

Personal information is defined in section 4 of the PPIP Act as:

‘... information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion’.

Essentially, personal information is any information or an opinion that is capable of identifying an individual.

Common examples of personal information include an individual’s name, bank account details, fingerprints, or a photograph or video.

### 7.2 What is not personal information?

There are certain types of information that are not considered personal information and these are outlined at section 4(3) and section 4A of the PPIP Act (see also section 5 of the HRIP Act). Some of these include:

- Information about an individual who has been dead for more than 30 years.
- Information about an individual that is contained in a publicly available publication (for example, information provided in a newspaper or court judgment available on the internet).
- Information or an opinion about an individual’s suitability for appointment or employment as a public sector official (for example, recruitment records, referee reports and performance appraisals).

### 7.3 What is health information?

Health information is a specific type of personal information that is defined in section 6 of the HRIP Act as:

- Personal information that is information or an opinion about:
  - An individual’s physical or mental health or disability.
  - An individual’s express wishes about the future provision of health services to themselves.
  - A health service provided, or to be provided, to an individual.
- Other personal information collected to provide, or in providing, a health service.
- Other personal information about an individual collected in connection with the donation, or intended donation, of an individual’s body parts, organs or body substances.
- Genetic information about an individual that is or could be predictive of the health (at any time) of the individual or their genetic relatives (e.g. descendants).

- Healthcare identifiers.

## 7.4 What is not health information?

As with personal information, there are certain types of information which are not considered health information. These are outlined in section 5(3) of the HRIP Act and include, for example, health information of an employee who has been deceased for more than 30 years.

Personnel files containing fitness for work certificates are not considered to be health information.

## 7.5 Sensitive personal information

Sensitive personal information is a specific type of personal information that is defined in section 19 of the PPIP Act. It includes information about ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities.

## 7.6 Other definitions

**Collection** – (of personal information) the way in which State Transit acquires personal or health information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph.

**Disclosure** – (of personal information) occurs when State Transit makes known to an individual or entity personal or health information not previously known by that individual or entity who use the personal or health information for their own purposes.

**Exemptions from compliance with Information Protection Principles (IPPs)** – (general, specific and other exemptions) are provided both within the principles (and under Division 2 and Division 3 of Part 2 of the PPIP Act).

**Privacy principles** – the Information Protection Principles (IPPs) set out in Division 1 of Part 2 of the PPIP Act and Health Privacy Principles (HPPs) set out in Schedule 1 of the HRIP Act. The privacy principles set out the minimum standards for all NSW public sector agencies when handling personal and health information. Within these principles lawful exemptions are provided.

**Public register** – a register of personal information that is required by law to be, or is made, publicly available or open to public inspection, whether or not upon payment of a fee.

Note: public register exemptions are provided for in clause 7 of the *Privacy and Personal Information Protection Regulation 2014*.

**Privacy obligations** – the information privacy principles or the health privacy principles and any exemptions to those principles that apply to State Transit, which is a public sector agency

**Staff** – any person working in a permanent, casual or temporary capacity including consultants and contractors.

**Use** – (of personal information) occurs when State Transit applies the personal information for its own purposes. This may include sharing the personal information with a contractor who uses it for State Transit's purposes.

## Annexure A – Personal and health information held by State Transit

Examples of personal information collected and retained by State Transit in the exercise of its functions are as follows:

Personal information collected by State Transit about employees and contractors may include, but is not limited to:	<ul style="list-style-type: none"><li>• Personnel files</li><li>• Membership of an Equal Employment opportunity (EEO) group</li><li>• Information held on the HR information System database (e.g. address, salary details, birth date)</li><li>• Payroll information (e.g. salary details, bank account details)</li><li>• Disciplinary files</li><li>• Leave applications</li><li>• Investigation files (safely, grievance, fraud and/or corrupt conduct)</li><li>• Accident / incident records and witness statements</li><li>• Counselling files (including records of interview)</li><li>• Information about secondary employment</li><li>• Performance management and feedback records</li><li>• Competency assessments and training records</li><li>• Records of whether employees have taken a drug or alcohol test</li><li>• Job applications</li><li>• Images of individuals recoded on State Transit's CCTV surveillance system</li><li>• Declared conflicts of interest</li></ul> <p>TfNSW will also hold some of the above personal information as it provides human</p>

	<p>resources, payroll and records archival assistance to State Transit.</p> <p>We may also collect</p> <ul style="list-style-type: none"> <li>• Information about individuals obtained during the tender process</li> <li>• Information about individuals obtained in the course of developing and managing business relationships and maintaining contractual relationships</li> <li>• Information obtained in the course of complaint handling.</li> </ul>
<p><b>Health Information</b></p>	<ul style="list-style-type: none"> <li>• Sick leave information such as leave applications, medical certificates</li> <li>• Workers compensation files and claim forms</li> <li>• Employee disclosures of pre-existing medical conditions</li> <li>• Urine drug analysis test results</li> <li>• Saliva drug analysis test results</li> <li>• Alcohol breath test results</li> <li>• Records of attendance for Hepatitis B and Flu shots</li> <li>• Medical reports including pre-employment assessment of health, regular health monitoring (eg hearing, lung function), fitness for duty assessments, blood test results and change in health status reports.</li> </ul> <p>The above information may be held by our medical and health care providers and if relevant to suitability for driving, TfNSW.</p> <p>Health Information collected by State Transit about members of the public may include but is not limited to</p> <ul style="list-style-type: none"> <li>• Medical information relating to personal injury claims; and</li> <li>• Information about members of an employee’s household, e.g. as part of a claim for carer’s leave</li> </ul>

## Annexure B – Significant Information Systems

---

Significant information systems operated by State Transit include:

Significant Information System	Description of System
Ellipse	Finance and Asset Management System
Aurion	HR System
Payroll	Payroll System
MicRoster	Non Bus Operator Staff Rostering System
Hastus	Bus Operator Rostering and Route Scheduling System
HUB	Safety Management System