

# Public Transport Ombudsman Privacy Policy

Board Reviewed and Approved June 2024

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## Purpose

The Public Transport Ombudsman (PTO) provides an accessible, free and independent dispute resolution service for users of Victorian public transport services and for people who are affected by public transport related activities in Victoria.

This policy is intended to ensure that the privacy of individuals is protected in the collection, use, disclosure and storage of Personal Information by the PTO. To demonstrate its commitment to best practice, the PTO opted into coverage under the *Privacy Act 1988 (Cth)* (Privacy Act) in 2011.

The PTO is a recognised external dispute resolution scheme under the Privacy Act. [Guidelines for the recognition of an external dispute resolution scheme](#) are available at the Office of the Australian Information Commissioner website.

## Definitions

### Authorised Representative

A person who communicates with the PTO on behalf of another person. The PTO must confirm that the Authorised Representative has the consent of the Consumer to communicate on their behalf.

### Consumer

A person who makes a complaint or enquiry to the PTO.

### Member

A public transport operator or other entity who is a member of the Public Transport Ombudsman Limited. A current list of PTO members can be found on the PTO website.

## Personal information

Personal Information has the meaning given to it by in section 6 of the Privacy Act and includes Sensitive Information. The types of Personal Information that the PTO collects is detailed in this policy.

## Sensitive information

Sensitive Information has the meaning given to in in section 6 of the Privacy Act.

## Collection of personal information

### Why the PTO collects personal information

The PTO collects Personal Information that is needed to perform our functions and activities. These include:

- Handling complaints and resolving disputes about public transport in Victoria
- Meeting our obligations in respect of systemic issues
- Improving our services
- Providing public reports about the number and types of cases we receive
- Contributing to public discourse about public transport issues.

### How the PTO collects personal information

The PTO collects Personal Information over the telephone (including through voice recordings), electronically (including through our website and by email), by post, and in person.

The PTO collects Personal Information from:

- Individual Consumers making a complaint or enquiry with the PTO
- Authorised representatives of a Consumer
- A Member, who may give us Personal Information about a Consumer during the handling of a complaint
- Another complaint body that has identified that the PTO may be able to help resolve a consumer's complaint
- Third parties, who can assist the dispute resolution process by providing information

The PTO may collect the following information from a Consumer or Authorised Representative for a Consumer:

- Contact details including name, address, telephone number and email address
- Details about a Consumer's complaint and the issue to be resolved
- Information needed to progress the resolution of a complaint including myki card numbers, bank account details and concession entitlements
- Any other Personal Information that is relevant to resolving a complaint
- Personal Information about Consumers that helps the PTO improve our service, such as demographic information

### **Authorised representatives**

The PTO will not discuss a complaint with a family member, support person, or friend of a Consumer unless authorised to do so. The PTO may ask a Consumer to complete an Authorised Representative form or take other steps to confirm that the Consumer consents to the PTO discussing their complaint with a third party.

The PTO will collect Personal Information from an authorised representative to confirm that they are authorised to handle the complaint on the Consumer's behalf and to be able to contact them about the Consumer's complaint.

Where an individual provides sensitive information about themselves to the PTO, consent to the collection and use of such information will be assumed.

### **Notification of the collection of personal information**

Where possible, the PTO will notify individuals about this policy before or at the time of disclosure or collection of the personal information. If this is not possible or practicable, the PTO will notify individuals as soon as practicable after the disclosure or collection of the personal information.

### **Use or disclosure of personal information**

The PTO will use Personal Information to handle a Consumer's complaint and will disclose Personal Information to the relevant PTO member for this purpose.

The PTO may also use Personal Information and disclose it to our service providers in connection with our business and commercial activities. This may include:

- to improve our services by undertaking surveys or contacting Consumers about their experience with the PTO. The PTO may do this directly or engage an external provider to conduct these surveys
- to understand the communities that we deliver services to in order to help the PTO provide a better service
- disclosing Personal Information to people and companies who provide services to the PTO including lawyers, consultants, contractors, accountants, auditors and information technology providers. This may be done to improve the PTO's services, ensure compliance with the law, to improve and manage the PTO's systems and for auditing purposes.

The PTO uses information technology service providers to store Personal Information.

The PTO may be required by law to disclose Personal Information.

### **Cross-border disclosure of personal information**

The PTO only operates in Victoria. Although the PTO is unlikely to disclose personal information to overseas recipients, the PTO would only do so with prior authority of the individual concerned.

### **Making a request or privacy complaint**

Individuals can:

- request access to Personal Information held about them by the PTO
- request that the PTO corrects their Personal Information
- make a privacy complaint about how the PTO has handled their Personal Information

### **Accessing Personal Information**

A Consumer can request access to Personal Information held by the PTO by speaking to the staff member handling their complaint, calling 1800 466 865 or emailing [enquiries@ptovic.com.au](mailto:enquiries@ptovic.com.au).

Subject to any exemptions permitted by the Privacy Act, the PTO will provide the Consumer with copy of the Personal Information held about them.

Personal Information about other people will be removed from any records provided to a Consumer.

If the PTO charges the Consumer for giving access to information, the charge will not be excessive and will not apply to the making of the request.

If a Consumer is not satisfied with our handling of their request for access to Personal Information, they can make a privacy complaint to us.

### **Correction of personal information**

A Consumer can ask the PTO to correct Personal Information held by the PTO speaking to the staff member handling their complaint, calling 1800 466 865 or emailing [enquiries@ptovic.com.au](mailto:enquiries@ptovic.com.au).

The PTO may refuse the request to correct Personal Information in circumstances permitted by the Privacy Act. If this occurs, the PTO will provide an explanation for why the request has been refused.

If the PTO does not make a correction to the Personal Information as requested, the PTO may offer to add a note to the file regarding the request for correction.

If a Consumer is not satisfied with our handling of their request for access to Personal Information, they can make a privacy complaint to us.

### **Making a complaint**

Complaints about the way the PTO has collected, stored, used or disclosed Personal Information should be directed to the PTO's Deputy Ombudsman by calling 1800 466 865 or emailing [enquiries@ptovic.com.au](mailto:enquiries@ptovic.com.au).

The Deputy Ombudsman, or other senior PTO staff member with appropriate delegation from the Ombudsman, will then review whether the PTO has managed the Personal Information in accordance with this policy.

The findings of the review will be communicated within 21 days of the complaint being made.

If a consumer is unhappy with the outcome of their privacy complaint, they can contact the Office of the Australian Information Commissioner.

## PTO contact details

The PTO can be contacted by:

- Free call: 1800 466 865
- Telephone: (03) 8623 2111
- Email: [enquiries@ptovic.com.au](mailto:enquiries@ptovic.com.au)
- Mail: PO Box 538 Collins Street West, Melbourne 8007 VIC

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