Privacy

Plan

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1 Purpose

The National Heavy Vehicle Regulator (**NHVR**) values and is committed to protecting the privacy of persons and ensuring that they are aware of the types of personal information held by the NHVR, why that information is held, and how that information is collected, stored, used, and disclosed.

This privacy plan sets out:

- the functions of the NHVR and the main types of personal information that the NHVR deals with to carry out those functions
- explains the NHVR's approach to complying with its lawful obligations in relation to personal information
- how a person may request access to their personal information or an amendment of that information to ensure that it is accurate
- how a person may make a complaint if they consider that their privacy may have been breached
- the NHVR's commitment to continual improvement to privacy management.

2 Application

This privacy plan integrates with, and should be read alongside the following documents to understand the NHVR's whole privacy framework (the NHVR's Privacy Framework):

- *Policy – Right to Information*
- *Guideline – Administrative Access to Information*
- *Policy – Privacy*
- *Policy – Data Breach*.

3 Background

3.1 The NHVR

The *Heavy Vehicle National Law* (**the National Law** or **HVNL**) establishes a scheme for facilitating and regulating the use of heavy vehicles on roads. It operates across multiple jurisdictions.

The host jurisdiction, Queensland, enacted the National Law in the *Heavy Vehicle National Law Act 2012* (Qld).

Legislation adopting the National Law was then passed in the ACT[1], New South Wales[2], South Australia[3], Tasmania[4], and Victoria[5] (known as the **HVNL participating jurisdictions**). The National Law does not apply in Western Australia or the Northern Territory, and there is no Commonwealth Act implementing it.

The NHVR's main function[6] is to achieve the object of the National Law. The object of the National Law is as follows:

> ***3 Object of Law***
>
> *The object of this Law is to establish a national scheme for facilitating and regulating the use of heavy vehicles on roads in a way that—*
>
> *(a) promotes public safety; and*
>
> *(b) manages the impact of heavy vehicles on the environment, road infrastructure and public amenity; and*
>
> *(c) promotes industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles; and*
>
> *(d) encourages and promotes productive, efficient, innovative and safe business practices.*

Section 4 of the HVNL declares the regulatory framework by which the object of the National Law is to be achieved, being as follows:

[1] *Heavy Vehicle National Law (ACT) Act 2013* (ACT).
[2] *Heavy Vehicle (Adoption of National Law) Act 2013* (NSW).
[3] *Heavy Vehicle National Law (South Australia) Act 2013* (SA).
[4] *Heavy Vehicle National Law (Tasmania) Act 2013* (Tas).
[5] *Heavy Vehicle National Law Application Act 2013* (Vic).
[6] Section 659(1) of the *Heavy Vehicle National Law 2012* ('HVNL').

4 Regulatory framework to achieve object

The object of this Law is to be achieved by a regulatory framework that—

(a) establishes an entity (the National Heavy Vehicle Regulator) with functions directed at ensuring the object is achieved; and

(b) provides for a database of heavy vehicles; and

(c) prescribes requirements about the following—

(i) the standards heavy vehicles must meet when on roads;

(ii) the maximum permissible mass and dimensions of heavy vehicles used on roads;

(iii) securing and restraining loads on heavy vehicles used on roads;

(iv) preventing drivers of heavy vehicles exceeding speed limits;

(v) preventing drivers of heavy vehicles from driving while fatigued; and

(d) imposes duties and obligations directed at ensuring heavy vehicles and drivers of heavy vehicles comply with requirements mentioned in paragraph (c)(i) to (v) on persons whose activities may influence whether the vehicles or drivers comply with the requirements; and

(e) includes measures directed at the matters mentioned in section 3 (c) and (d) by allowing improved access to roads in certain circumstances, including by—

(i) allowing heavy vehicles, that would otherwise be prevented from being used on roads, access to the roads through exemptions or authorisations granted in circumstances in which the matters mentioned in section 3 (a) and (b) will not be compromised; and

(ii) providing for accreditation schemes allowing operators of heavy vehicles who adopt best practices directed at the matters mentioned in section 3 to be subject to alternative requirements more suited to the operators' business operations.

The NHVR is provided with further functions under the HVNL, which are congruent with that regulatory framework, which include:

- to provide the necessary administrative services for the operation of the National Law, including collecting fees, charges and other amounts payable under the National Law[7]
- to monitor compliance with the National Law and to investigate contraventions or possible contraventions of provisions of this Law, including offences against the National Law[8]
- to bring and conduct proceedings in relation to contraventions or possible contraventions of provisions of the National Law, including offences against the National Law, and to bring and conduct, or conduct and defend, appeals from decisions[9]
- to conduct reviews of particular decisions made under the National Law by the NHVR or authorised officers, to implement and manage an audit program for heavy vehicle accreditations granted under the National Law, to facilitate access to heavy vehicles under Chapter 4 of the National Law, and to undertake the duties in relation to the regulation of fatigue under Chapter 6 of the National Law[10]
- to identify and promote best practice methods for complying with the National Law, for managing risks to public safety arising from the use of heavy vehicles on roads, and for the productive and efficient road transport of goods or passengers by heavy vehicles[11]
- to encourage and promote safe and productive business practices of persons involved in the road transport of goods or passengers by heavy vehicles that do not compromise the object of the National Law[12]
- to provide advice, information and education to persons with duties or obligations under the National Law about compliance with the duties or obligations[13]
- to work collaboratively with other law enforcement agencies to ensure a nationally consistent approach for enforcing contraventions of laws involving heavy vehicles.[14]

[7] Section 659(2)(a) of the HVNL.
[8] Sections 659(2)(b) and (c) of the HVNL.
[9] Sections 659(2)(d) and (e) of the HVNL.
[10] Sections 659(2)(f), (h), and Chapters 4 and 6 of the HVNL.
[11] Section 659(2)(j) of the HVNL.
[12] Section 65(2)(k) of the HVNL.
[13] Section 659(2)(ka) of the HVNL.
[14] Section 659(2)(l) of the HVNL.

How the NHVR performs its function is influenced by a Statement of Expectations issued annually by the responsible Ministers under the National Law and, further, is expanded upon in the NHVR's Statement of Regulatory Approach and the NHVR's Statement of Regulatory Intervention. All of those documents are published on the NHVR's website.[15]

Significantly, various functions of the NHVR are performed by persons appointed by the NHVR as 'authorised officers' for the purposes of the National Law.[16] The functions of authorised officers are to:[17]

- monitor, investigate and enforce compliance with the National Law
- monitor or investigate whether an occasion has arisen for the exercise of powers under the National Law
- facilitate the exercise of powers under the National Law.

An authorised officer who is a police officer may exercise the various powers conferred on the officer by the National Law and under law enforcement legislation.

3.2 Personal Information

Application of Scheme

In each of the HVNL participating jurisdictions, the NHVR has been established as a body corporate that:

- represents the respective State[18]
- has power to do acts in the exercise of functions conferred on it by the National Law.[19]

It is expressly the intention of each HVNL participating jurisdiction's Parliament that the National Law, as applied in each of the jurisdictions, has the effect that the NHVR is 'one single national entity' which may exercise its functions in relation to any or all HVNL participating jurisdictions.20

Although the NHVR is a national entity because its functions are conferred by the laws of the individual HVNL participating jurisdictions and it represents the respective States, it is not an 'APP entity' to which the *Privacy Act 1988* (Cth) would apply.

Consistent with the intention that the NHVR act as 'one single national entity', section 696 of the National Law operates to extend certain Queensland legislation to all HVNL participating jurisdictions for the purposes of the National Law. Significantly, that includes the following:

- the *Information Privacy Act 2009* (Qld) (IP Act)
- the *Right to Information Act 2009* (Qld).

Modifications are made to the application of those Acts by *Heavy Vehicle (General) National Regulations*, for instance to:

- deem references to Queensland in the Acts to be references to a HVNL participating jurisdiction
- deem references to 'agencies' to be references to the NHVR
- provide that functions conferred on Queensland entities under the Acts, such as the Queensland Office of the Information Commissioner, can be exercised in relation to HVNL participating jurisdictions
- provide that the Queensland Civil and Administrative Tribunal is to exercise its jurisdiction under the Acts in relation to a HVNL participating jurisdiction.

Each of the Acts in a HVNL participating jurisdiction that adopt the National Law as a law of the jurisdiction include provisions that 'dis-apply' the jurisdiction specific privacy Act for the purposes of the National Law.

Personal Information

The National Law

Part 13.4 of the National Law includes sections 728, 728A, 729, and 729A, which are penalty provisions that a person exercising functions under the National Law must not disclose 'protected information' to another person or use protected information other than for an authorised use.

[15] See: www.nhvr.gov.au/about-us/corporate-documents.
[16] Section 481 of the HVNL.
[17] Section 479 of the HVNL.
[18] Section 657(2) of the HVNL.
[19] Sections 656(3) and 658 of the HVNL.
[20] Section 656(2) of the HVNL.

'Protected information' is defined by the National Law as:[21]

> ***protected information***—
>
> *(a) means information obtained in the course of administering this Law or because of an opportunity provided by involvement in administering this Law; but*
>
> *(b) does not include—*
>
> *(i) intelligent access program information; or*
>
> *Note—*
>
> *See Chapter 7 for the restrictions on the use and disclosure of intelligent access program information.*
>
> *(ii) information mentioned in paragraph (a) in a form that does not identify a person; or*
>
> *(iii) information relating to proceedings before a relevant tribunal or court that are or were open to the public; or*
>
> *(iv) electronic work diary protected information.*

The IP Act

The IP Act declares its primary object to provide for:[22]

> '*… the fair collection and handling in the public sector environment of personal information.*'

'Personal Information' is defined in the IP Act as:[23]

> *'… information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion—*
>
> *(a)whether the information or opinion is true or not; and*
>
> *(b)whether the information or opinion is recorded in a material form or not.'*

It is not necessary for the information to be sensitive or confidential or even for the information to expressly disclose the identity of a person, with it being sufficient if an individual is reasonably identifiable from the information or opinion.

The types of personal information collected by the NHVR includes the following:

- a person's name, address, gender, age, date of birth, telephone number, and email address (e.g., because of a road-side interaction with our safety and compliance officers, application made to us via NHVR GO, etc.)
- a photograph of a person or video or audio footage of a person (e.g., via use of body worn cameras by our safety and compliance officers, roadside cameras (such as Safe-T-Cam, dashcams, and ANPR cameras, and CCTV cameras at NHVR sites, etc.)
- third party employee or contractor details (e.g., names of persons provided by an operator holding basic fatigue management accreditation)
- heavy vehicle registration details including details of the registered operator of the vehicle as kept in the database of heavy vehicles
- licence information (e.g., received from Austroads, road authorities, police authorities, or the individuals themselves)
- intercept and sighting information and observations (e.g., as a result of road side intercepts or provision of information from police agencies, etc.)
- financial or banking information (e.g., as may be relevant for applications to the NHVR via NHVR GO, investigation or prosecution of offences under the National Law, etc.)
- information about a person or their employment because of industry consultation, engagement, research, education campaigns, educational engagement with heavy vehicle operators, or surveys
- the use of data analytics, where de-identified data may not be suitable or where a comparison of data sets may create information that may identify a person and that is about a person
- employment records of NHVR staff and contractors (e.g., wage information, bank details, tax file numbers, etc.).

'Sensitive information' is a specific category of personal information that is afforded a higher level of protection because its misuse can lead to discrimination, harm, or distress. Sensitive information is:[24]

> *(a) information or an opinion, that is also personal information, about the individual's—*
>
> *(i) racial or ethnic origin; or*

[21] Section 727(1) of the HVNL.
[22] Section 3 of the IP Act.
[23] Section 12 of the IP Act.
[24] Schedule 5 Definitions ('sensitive information') of the IP Act.

(ii) political opinions; or

(iii) membership of a political association; or

(iv) religious beliefs or affiliations; or

(v) philosophical beliefs; or

(vi) membership of a professional or trade association; or

(vii) membership of a trade union; or

(viii) sexual orientation or practices; or

(ix) criminal record;

(b) health information about the individual;

(c) genetic information about the individual that is not otherwise health information;

(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or

(e) biometric templates.

The types of sensitive information collected by the NHVR includes the following:

- a person's criminal record, including charges and convictions
- information about offences or potential offences by persons, under the National Law and other laws
- information arising from the monitoring of compliance with, and enforcement of, the National Law, including the investigation of offences or potential offences
- some health information (e.g., relating to fatigue, fitness to operate heavy vehicles, safe systems of work, and the fitness or safety of our employees to work)

'Personal information' does not include:

- information about a person whose identity is not known and cannot be reasonably identified from the information
- information about a deceased person (although, care and sensitivity are still required)
- a corporate entity (but employees or officers of the company will have 'personal information').

'Routine personal work information' applies to employees of the NHVR. It is a form of personal information, being personal information that is solely and wholly related to the routine day to day work duties and responsibilities of NHVR employees. The concept is only relevant to potential disclosure under Queensland Privacy Principle (**QPP**) 6 or an access application under the *Right to Information Act 2009* (Qld).[25]

4 Obligations Under the *Information Privacy Act* (Qld)

The IP Act applies to the collection of personal information, regardless of when it came into existence, and to the storage, handling, accessing, amendment, management, transfer, use and disclosure of personal information regardless of when it was collected.[26]

The handling of personal information is regulated by the QPPs established under the IP Act, with which the NHVR must comply,[27] while also having regard to the human rights legislation that applies to the NHVR.[28]

The QPPs relate to the following:

QPP	Description
QPP 1 – Open and transparent management	The NHVR must manage personal information in an open and transparent way and have a clear, up-to-date and accessible QPP privacy policy, and practices and procedures to ensure QPP compliance.

[25] Further guidance can be found on the website for the Office of the Queensland Information Commissioner, see: www.oic.qld.gov.au/government/right-to-information/key-rti-concepts.
[26] Section 6 of the IP Act.
[27] Sections 26 and 27 of the IP Act.
[28] The *Human Rights Act 2019* (Qld), the *Charter of Human Rights and Responsibilities Act 2006* (Vic), and the *Human Rights Act 2004* (ACT).

QPP 2 – Anonymity and pseudonymity	The NHVR must allow individuals the option of not identifying themselves (i.e. remain anonymous or provide a pseudonym) unless it is required or authorised under law, or it is impracticable.
QPP 3 – Collection	The NHVR can only collect personal information: • that is reasonably necessary for, or directly related to, one of its functions or activities • lawfully and fairly • from the individual the information is about, unless an exemption applies (including consent, lawful authority/requirement and law enforcement), or it is unreasonable or impracticable to do so. Higher standards apply to the collection of sensitive information.
QPP 4 – Dealing with unsolicited personal information	When receiving unsolicited personal information, the NHVR must determine whether they could have collected it under QPP 3 and/or whether it is a public record. If not, the information may be required to be destroyed or de-identified, subject to public record laws. Otherwise, QPPs 5 to 13 apply.
QPP 5 – Notification of collection	When collecting personal information, the NHVR must take reasonable steps to make sure individuals are aware of the matters listed in QPP 5 including contact details, the fact and circumstances of the collection if collected from someone other than the individual and the consequences if the information is not collected. This applies when personal information is collected from an individual or from a third party. The NHVR does not need to provide a formal QPP 5 notice. QPP 5 matters can be communicated in other ways, for example, informally or verbally.
QPP 6 – Use or disclosure	The NHVR can only use or disclose personal information for the reason it was collected, unless QPP 6 allows it to be used or disclosed for a secondary purpose. These include: • instances where the individual has consented to the use of disclosure • the individual would reasonably expect the NHVR to use or disclose the information for a secondary purpose (subject to limitations) or where it is required or authorised by law or reasonably necessary for law enforcement activities • a permitted general situation exists, such as lessening or preventing a serious threat or locating a missing person (set out in schedule 4, part 1 of the IP Act).
QPP 10 – Quality	The NHVR must take reasonable steps to ensure the personal information: • is accurate, up to date, complete • is relevant to the purpose of the use or disclosure.
QPP 11 – Security	The NHVR must take reasonable steps to: • protect personal information it holds from: – misuse, interference or loss – unauthorised access, modification or disclosure • destroy or deidentify personal information that is no longer needed for any purpose and is not a public record or otherwise required to be retained under law or court or tribunal order.
QPPs 12 and 13 – Access and correction	The NHVR must give access to and correct personal information it holds, subject to limitations.

4.1 Collection of Personal Information

The NHVR may only collect personal information if it is reasonably necessary for, or directly related to, one or more of the NHVR's functions or activities

In relation to sensitive information, the NHVR is a law enforcement agency for the purposes of the IP Act. As a law enforcement agency, the NHVR may collect information if it reasonably believes the collection is reasonably necessary for, or directly related to, a function or activity (QPP 3). The NHVR must not collect information in a way that is unfair or unlawful.

When collecting the information from the individuals themselves, the NHVR must provide them with a notice on why their personal information is being collected, any authority under which it is collected and to whom the information is usually disclosed, including anyone to whom they will then disclose it.

The NHVR determines what personal information is necessary and relevant to be collected in relation to each function that it performs. Collection notices are provided in accordance with QPP 5 (e.g., in the terms of use for NHVR Go), appear in the NHVR's Privacy Policy, or persons are otherwise advised as to the reason for collection when it occurs (e.g., when a person contacts the NHVR call centre).

4.2 Anonymity and Pseudonymity

The NHVR provides an option to provide personal information anonymously or through the use of a pseudonym except where the NHVR is authorised or required by law or by order of a court or tribunal or where it is impracticable for the NHVR to deal with individuals who have not identified themselves or have used a pseudonym.[29]

4.3 Storage and Security of Personal Information

The NHVR must ensure that the personal information it holds is protected by reasonable security safeguards against loss, unauthorised access, use, modification or disclosure, and any other misuse.

The NHVR takes the storage and security of information seriously, taking proactive measures in that regard and aligning its approach to relevant standards and benchmarks, such as the Australian Signal Directorate's Essential Eight and ISO 27001:2022. The NHVR continues to develop and refine its postures.

The NHVR has record-keeping compliance in line with the *Public Records Act 2023* (Qld).

The NHVR has implemented the *Data Breach Policy*, which complies with the requirements of the mandatory data breach notification regime under Chapter 3A of the IP Act.

4.4 Access to and Amendment of Personal Information

The NHVR has an established process for dealing with applications for access under the *Right to Information Act 2009* (Qld) and applications for amendment under the IP Act.[30] This is captured in the NHVR's *Right to Information Policy*. The NHVR also has an established administrative release process, which is outlined in the NHVR's *Administrative Access to Information Guideline*. Information about how to make requests is available on the NHVR's website, along with the NHVR's disclosure log.[31]

4.5 Use of Personal Information

The use of personal information is regulated by the National Law and the IP Act.

Section 729(1) of the National Law provides that 'A person who is, or has been, a person exercising functions under this Law must not use protected information other than for an authorised use'.

'Authorised use' is defined in the National Law as follows:

> ***authorised use**, for protected information, means—*
>
> *(a) use by a person—*

[29] QPP 2 of the IP Act.
[30] The NHVR must take all reasonable steps to ensure that personal information it holds is accurate, relevant, complete, up to date and not misleading. The NHVR must allow an individual to request amendment of any inaccurate, irrelevant, out of date, incomplete or misleading personal information.
[31] See: www.nhvr.gov.au/law-policies/right-to-information.

(i) in the exercise of a function under this Law; or

(ii) where use of the information is required or authorised under this Law (whether explicitly or by implication); or

(b) use by a public authority or law enforcement agency—

(i) for the administration or enforcement of a law or the exercise of another function of the authority or agency, including, for example, investigating a contravention or suspected contravention of a law; or

(ii) if a law authorises, requires or permits the disclosure of the information to, and the use of the information by, the authority or agency; or

(c) use by a court or tribunal in a proceeding under an Australian road law; or

(d) use by a court or tribunal if an order of the court or tribunal requires the disclosure of the information to the court or tribunal; or

(e) an activity associated with preventing or minimising—

(i) a risk of danger to the life of a person; or

(ii) a risk of serious harm to the health of a person; or

(iii) a risk to public safety; or

(f) a use authorised by the person to whom the information relates; or

(g) research purposes if the information contains no personal information; or

(h) use by an entity (whether public or private) in connection with road tolls; or

(i) use by an entity (whether public or private) in connection with the administration of third party insurance legislation; or

(j) use by an entity (whether public or private) for the purpose of determining the registration status of a heavy vehicle; or

(k) a use required or authorised under a relevant law of a participating jurisdiction; or

(l) a use prescribed by the national regulations; or

(m) a use referred to in subsection (2).

As to the reference to sub-section (2), that sub-section is as follows:

(2) It is also an authorised use, for protected information disclosed to or otherwise held by a police agency for any purpose or for a particular purpose, to disclose the information to another police agency authorised to hold protected information (whether or not for the same purpose).

Subject to the use being an 'authorised use' under the National Law, consideration then turns to use under the IP Act.

QPP 6 relates to how the NHVR uses information and, in particular, that the use was for the purpose that the information was obtained (the primary purpose), with QPP 6(1)(a) allowing for use for a secondary purpose where the individual has consented.[32]

QPP 6.2 lists series of exceptions where use for a secondary purpose is permissible:

- the individual would reasonably expect the NHVR to use or disclose the information for a secondary purpose and the secondary purpose is:
  - for sensitive information – directly related to the primary purpose

    or
  - for information that is not sensitive information – related to the primary purpose
- use of the information for the other purpose is authorised or required under a law or by a court or tribunal
- a permitted general situation exists[33]
- the NHVR as a law enforcement agency reasonably believes the use of the information is reasonably necessary for one or more enforcement- related activities conducted by the law enforcement agency[34]
- the use is necessary for research or compilation or analysis of statistics in the public interest and all the other conditions in QPP 6.2(g) apply.

'Use' is defined in the *Information Privacy Act* as follows:[35]

An entity uses personal information if it—

a) manipulates, searches or otherwise deals with the information; or

b) takes the information into account in the making of a decision; or

[32] The consent must be informed consent.
[33] Permitted general situations are stated in schedule 4, part 1 of the IP Act.
[34] If information is used under this exception, a written note of the use must be made (QPP 6.5).
[35] Section 23(3) of the IP Act.

c) transfers the information from a part of the entity having particular functions to a part of the entity having different functions.[36]

The NHVR is committed to the lawful and appropriate use of information, including personal information, and in particular to ensure that the use is for the purpose that the information was collected. To such extent that use may extend beyond the original collection purpose, the NHVR:

- takes steps to consider whether such further use is lawful, in the sense that it is authorised by the HVNL and is compliant with QPPs 6 and 10.2
- will, where appropriate, undertake a privacy impact assessment, being in line with the guidance published in that regard by the Office of the Queensland Information Commissioner
- update the Privacy Risk Register, as may be required.

4.6 Disclosure of Personal Information

The disclosure of personal information is regulated by the National Law and the IP Act.

Section 728(1) of the National Law provides that 'A person who is, or has been, a person exercising functions under this Law must not disclose protected information to another person.' However, sub-sections (2) and (3) then declare when that prohibition does not apply, being if:

- the NHVR is disclosing protected information in the form of a confirmation that a stated person is the registered operator of a stated heavy vehicle

  or
- the NHVR is disclosing details of heavy vehicles registered in a person's name to an executor or administrator of that person's deceased estate

  or
- the disclosure is to an entity for an authorised use

  or
- the disclosure is to, or made with the agreement of, the person to whom the information relates.

The National Law authorised the NHVR to disclose information in certain instances. For instance:

- section 686B of the National Law provides that the NHVR may share information in the NHVR's database of heavy vehicles with a registration authority of an Australian jurisdiction
- section 660 of the National Law allows the NHVR to give information to a government agency of an HVNL participating jurisdiction or the Commonwealth that the agency requires to exercise its functions under a law of the HVNL participating jurisdiction or the Commonwealth.

Consideration then turns to the IP Act. Disclosure is defined under that Act as follows:[37]

*An entity (the **first entity**) **discloses** personal information to another entity (the **second entity**) if—*

(a) the second entity does not know the personal information, and is not in a position to be able to find it out; and

(b) the first entity gives the second entity the personal information, or places it in a position to be able to find it out; and

(c) the first entity ceases to have control over the second entity in relation to who will know the personal information in the future.

As with use, QPP 6 relates to how the NHVR discloses information and, in particular, that the disclosure was for the purpose that the information was obtained (the primary purpose), with QPP 6(1)(a) allowing for use for a secondary purpose where the individual has consented.[38]

Again, the NHVR is committed to the lawful and appropriate disclosure of information, including personal information. The NHVR will always take steps to ensure that disclosure is authorised or required by law.

The NHVR also proactively undertakes work with law enforcement agencies, related to enforcement under the National Law. To the extent that involves the exception under QPP 6.2(e), the NHVR takes reasonable steps to ensure:

- it is satisfied that the law enforcement exemption applies
- that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed by the NHVR.

[36] This list is non-exhaustive under section 23(4) of the IP Act – use can never be a disclosure.
[37] Section 23(2) of the IP Act.
[38] The consent must be informed consent.

5 Disclosure of Personal Information Overseas

Section 33 of the IP Act[39] allows the NHVR to disclose personal information to an entity outside Australia if:

- the individual agrees to the disclosure

  or
- the disclosure is authorised or required under a law

  or
- the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare

  or
- two or more of the following apply:
  - the NHVR reasonably believes the recipient is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the QPPs
  - the disclosure is necessary for the performance of the NHVR's functions in relation to the individual
  - the disclosure is for the benefit of the individual, but it is not practicable to seek the agreement of the individual, and if it were, the individual would be likely to give the agreement
  - the NHVR has taken reasonable steps to ensure the personal information it discloses will not be held, used or disclosed by the recipient of the information in a way that is inconsistent with the QPPs.

To the extent that NHVR ICT partners and contractors deal with personal information, the NHVR:

- ensures that such partners have servers based in Australia (e.g., as a condition of the procurement process, etc.)
- seeks to contractually bind such parties to comply with Chapter 2, Parts 1 to 3 of the IP Act
- seeks contractual assurances in relation to information and data handling, storage, and use, such as security and auditing requirements.

6 Complaints

If a person believes that the NHVR has not handled or dealt with their personal information in accordance with the IP Act, they may make a complaint to the NHVR.

The complaint may be made to the 'Privacy Officer' via either:

- **email**: privacyrti@nhvr.gov.au

  or
- **post**: The Privacy Officer, National Heavy Vehicle Regulator, PO Box 492, Fortitude Valley, QLD 4006.

If the person does not agree with the NHVR's decision, or has not received a response within 45 days or another agreed processing period, they may write to the Office of the Queensland Information Commissioner.[40]

7 Responsibilities

Position	Responsibilities
Chief Executive Officer	• Sponsor of this Plan.
Privacy Officer	• Ensures awareness of this Plan • Monitors, responds and escalates (as needed) non-compliance with this Plan.
All NHVR Staff	• Comply with this Plan and reports suspected non-compliance with this Plan to the Privacy Officer.

[39] Disclosure under section 33 of the IP Act must comply with QPP 6.
[40] See: www.oic.qld.gov.au/government/privacy/privacy-complaints.

8 Definitions

The following terms are specific to this Plan.

Term	Definition
NHVR staff	Includes all employees, contractors, consultants, and officers.
Privacy Officer	The NHVR officer authorised by the NHVR's Chief Executive Officer for the implementation of this Plan and as the principal point of contact with any relevant oversight agencies.

9 References

- *Policy – Right to Information*
- *Guideline – Administrative Access to Information*
- *Policy – Privacy*
- *Policy – Data Breach*.