

About this Protocol

1.1 Purpose

This Protocol is designed to set out the privacy requirements and standards applicable to use of the Rail Industry Worker Program and Rail Industry Worker Card.

The purpose of the Rail Industry Worker Program is to:

- (a) Establish a national mechanism to validate the competency of individuals to safely access and carry out works on railway and other sites;
- (b) Prescribe a process for the issuance of Rail Industry Worker Cards to individuals.
- (c) Provide a mechanism for RIW Program Participants to access RIW Card data in order to manage safety and site access issues in relation to sites they own or control.

1.2 Application

All RIW Program Participant Organisations must comply with this Protocol, and must ensure their personnel comply.

In particular, RIW Program Participant Organisations must ensure their personnel with user access rights to RIW Card information are aware of and understand and comply with this Protocol.

RIW Program Participant Organisations must ensure that any non-RIW Program Participants to whom they disclose RIW Information (including any third party that hosts that information) agrees to and complies with this Protocol.

The obligations in this Protocol continue to apply to an RIW Program Participant Organisation for as long as that RIW Program Participant Organisation holds RIW Information, even after the RIW Program Participant Organisation ceases to be an RIW Program Participant Organisation.

2 Definitions

ARA means the Australasian Railway Association Incorporated ABN 64 217 302 489 of Suite 4, Level 4, Plaza Offices (East), Canberra Airport ACT 2609.

Associate means to use the RIW System to link a Rail Industry Worker to a RIW Program Participant.

CAAF means the RIW Card Acceptance Agreement Form (CAAF) approved by the Rail Industry Worker Governance Committee of the ARA.

Database Provider means the provider, as specified by the ARA from time to time, of the online database system through which the RIW information can be uploaded and verified.

Personal Information means 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 who is reasonably identifiable.

Privacy Laws, in respect of an RIW Program Participant, means the primary data privacy legislation applicable to the RIW Program Participant, or where no such legislation is applicable, the Australian Privacy Principles in the Privacy Act 1988 (Cth).

Rail Industry Worker means any individual who applies for or is issued a Rail Industry Worker Card for the purpose of working on a Site.

RIW Card means a site access swipe card issued to a particular Rail Industry Worker and carrying RIW Information about that Rail Industry Worker

RIW Information means Personal Information about a Rail Industry Worker, where that Personal Information is or has been held on the RIW System, excluding Personal Information obtained independently of its inclusion on the RIW System.

RIW Governance Committee: The Rail Industry Worker (RIW) Governance Committee is made up of learning and development representatives from rail operators and infrastructure organisations, as noted in the ARA's records from time to time.

RIW System means an online database system through which the RIW Information can be uploaded and verified, and which is also accessed by RIW Program Participants. The RIW System including all relevant user interfaces, servers and any upgrades of the RIW System issued or made by the Database Provider from time to time.

Site means a site or location where a RIW Program Participant requires Rail Industry Workers to perform rail safety work.

3 Supplying Personal Information to the RIW System

3.1 Consent

On and from the date of this Protocol, RIW Program Participant Organisations must:

- (a) Ensure that an individual employed by them who applies for a RIW Card signs a copy of the CAAF prior to making an application;
- (b) Only supply Personal Information about a Rail Industry Worker to the RIW System where the Rail Industry Worker has accepted the CAAF,
- (c) Copies of completed CAAFs for each RIW Cardholder will be captured within the RIW system, and
- (d) Ensure that individuals employed by them who hold a RIW Card as at the date of this Protocol are required to sign the CAAF as soon as possible and in any event before the annual renewal of their RIW Card.

3.2 Information quality

RIW Program Participant Organisations that supply any Personal Information to the RIW System on behalf of an employee or RIW card holder must take reasonable steps to ensure, taking into account the competency management purpose of the RIW System, that the Personal Information:

- (a) is accurate, up-to-date, complete and relevant; and
- (b) is not excessive or misleading.

However, RIW Program Participant Organisations do not warrant that any RIW Information which they supplied to the RIW System is in fact accurate, up-to-date, complete or relevant.

3.3 Prohibited information types

RIW Program Participant Organisations must not supply any of the following types of information about Rail Industry Workers to the RIW System:

- (a) tax file number;
- (b) credit card details;
- (c) credit assessments;
- (d) criminal record;
- (e) ethnic or racial origin;
- (f) political, religious or philosophical beliefs;
- (g) trade union membership;
- (h) sexual preferences or activities;
- (i) general human resources records beyond the specific types of competency information the RIW System is designed to record and share.

RIW Program Participant Organisations must not supply any Personal Information about individuals other than Rail Industry Workers to the RIW System, except for the name and contact details of a Rail Industry Worker's emergency contact.

Opinions or assessments about personality character or performance are opinions and subjective, each RIW Program Participant Organisation must make their own assessment of the information.

4 Using the RIW System

4.1 Searching for a Rail Industry Worker

A RIW Program Participant Organisation must only search for a Rail Industry Worker on the RIW System or collect RIW Information when searching for prospective Rail Industry Workers to work onsite, it has employed or engaged the Rail Industry Worker, or the Rail Industry Worker has applied to work with the RIW Program Participant Organisation.

4.2 Associating a Rail Industry Worker

A RIW Program Participant must only associate a Rail Industry Worker with itself where it has:

- (a) been asked to do so by the Rail Industry Worker, or it has employed or engaged the Rail Industry Worker or the Rail Industry Worker has applied to work or undertake training with the RIW Program Participant; and

5 Handling RIW Information

5.1 General requirements

Once a RIW Program Participant Organisation is satisfied that a Rail Industry Worker has accepted the CAAF, the RIW Program Participant Organisation may collect and use RIW Information about that Rail Industry Worker to the extent necessary for the purposes of including but not limited to:

- (a) processing RIW Card applications; or
- (b) workforce planning, recruitment, training and reporting for the RIW Program Participant Organisation; or
- (c) competency management; or
- (d) breach management

The RIW Program Participant Organisation may only otherwise collect, use or disclose the RIW Information where:

- (e) required by law;
- (f) the RIW Program Participant Organisation reasonably believes that use or disclosure is necessary to prevent or lessen a serious and imminent threat to a person's life or health; or
- (g) the Rail Industry Worker gives further clear consent to the RIW Program Participant Organisation.

RIW Program Participant Organisations must comply with Privacy Laws in respect of RIW Information.

5.2 Information quality

RIW Program Participant Organisations that access RIW Information should make their own assessment of the RIW Information and satisfy themselves as to the accuracy, currency, completeness and relevance of the RIW Information. This may include checking whether and when the RIW Information has been verified, where appropriate. RIW Program Participant Organisations should use reasonable endeavours to proactively update inaccurate RIW Information.

6 Information security

6.1 General requirements

RIW Program Participant Organisations acknowledge that RIW Information is confidential information and RIW Program Participant Organisations must ensure they keep all RIW Information confidential at all times.

RIW Program Participant Organisations must use appropriate technical and organisational measures to protect RIW Information against misuse, interference and loss and against, unauthorised access, use, modification or disclosure.

RIW Program Participant Organisations must not copy, remove, store, use or disclose RIW Information outside the RIW System except for a purpose permitted by this Protocol.

6.2 Retention and destruction

RIW Program Participant Organisations must securely destroy or de-identify any RIW Information held outside the RIW System that is no longer needed for a purpose permitted under this Protocol or any relevant legislation.

6.3 Access control

RIW Program Participant Organisations must ensure access to the RIW System is only available to their personnel on a limited and need-to-know basis, and that access is revoked when appropriate (e.g. when someone resigns or changes role).

RIW Program Participant Organisations must ensure that each of their personnel with access to the RIW System follow good password practices, protect the security of their passwords and do not share their passwords with any other person.

7 Compliance

7.1 Compliance management

RIW Program Participant Organisations must:

- (a) implement practices, procedures, systems to ensure they and their personnel comply with this Protocol;
- (b) regularly monitor and assess compliance with this Protocol;
report any concerns, errors, faults or issues to the ARA as soon as possible;
- (c) regularly monitor and assess privacy and security measures in place regarding the operation of the RIW System; and
- (d) take appropriate action (including revoking RIW System access) in the event of staff breaches of this Protocol.

7.2 Privacy policies and notices

RIW Program Participant Organisations must maintain on their websites a privacy policy that is relevant to the handling of RIW Information, or which directs Rail Industry Workers to another privacy notice that is relevant to the handling of RIW Information. The privacy policy and/or notice must comply with Privacy Laws.

7.3 Incident response

On becoming aware of:

- (a) a breach of this Protocol; and
- (b) any loss, unauthorised use or unauthorised disclosure of RIW Information,

An RIW Program Participant Organisation must:

- (c) promptly notify the ARA and the RIW Program Participant Organisation(s) which supplied the RIW Information to the RIW System and any third party hosting that information; and
- (d) provide all reasonable information, updates and assistance to assist the ARA and the RIW Program Participant Organisation(s) which supplied the RIW

Information to the RIW System in respect of investigating, assessing, reporting and remediating the incident.

7.4 Regulatory co-operation

In relation to RIW Information, an RIW Program Participant Organisation must provide reasonable co-operation and assistance in respect of any investigation or enquiry of any regulatory authority responsible for any Privacy Laws, whether at the request of the regulatory authority itself or another RIW Program Participant Organisation subject to the relevant Privacy Laws.

7.5 Protocol Review and Amendment

The RIW Governance Committee will review the terms of this Protocol annually and as the need arises. In the event that a change to the Protocol is proposed the Governance Committee will notify all RIW Program Participant Organisations 30 days ahead of the change taking place.