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- Order additional e-TAGs;
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Email: [comcare@citylink.com.au](mailto:comcare@citylink.com.au)

## CityLink Customer Centre

67 Lorimer Street, Docklands 3008 (Melway: 2E G10)

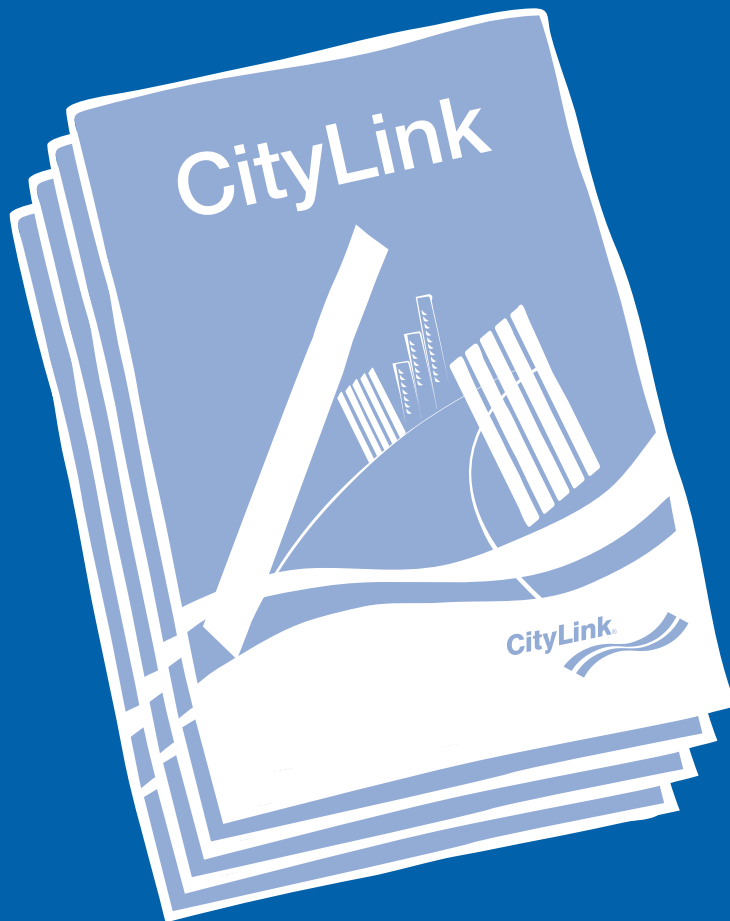
8am – 6pm Monday to Friday

9am – 5pm Saturday

Closed Sundays and Public Holidays

TTY service for hearing impaired: 1300 134 132

Interpreter service: 13 14 50



## Privacy code

# CityLink Melbourne Limited

Privacy code

Consolidated for all amendments as at 1 December 2002

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## 1. INTRODUCTION

This Code is intended to regulate the handling of personal information that CityLink Melbourne collects for the operation and tolling of CityLink. CityLink Melbourne is a part of the Transurban Group of companies. Transurban Group is listed on the Australian Stock Exchange.

CityLink Melbourne has developed this Privacy Code as part of its ongoing commitment to the protection of the privacy of CityLink users.

### Objectives

The objectives of this Code are to:

- provide a set of standards which govern the procedures of CityLink Melbourne (including those of its contractors and employees) and which protect the privacy of individuals holding CityLink Accounts or using CityLink;
- demonstrate CityLink Melbourne's ongoing commitment to protecting privacy and to addressing the privacy concerns that the use of an electronic toll collection system may raise;
- describe the ways in which CityLink Melbourne collects, uses and handles personal information;
- ensure that CityLink Melbourne complies with the provisions of the Melbourne City Link Act that relate to the use and disclosure of information;

- acknowledge jurisdiction of, and ensure compliance with the Privacy Act 1988 (Cth.) by CityLink Melbourne and adoption of and compliance with the National Privacy Principles;
- facilitate CityLink Melbourne's compliance with any further developments in privacy protection through legislation or industry standards
- facilitate CityLink Melbourne's compliance with Australian Standard AS4721-2000: Personal Privacy Practices for the electronic tolling industry; and
- ensure that CityLink Melbourne complies with its obligations under the Transurban Group Information Security Policy.

### Structure

This document is divided into four Parts:

- Part 1, which is this introduction;
- Part 2, "Background Information", which places the Code in context and provides information about CityLink Melbourne's collection of personal information;
- Part 3, the Privacy Code provisions, which are the operative provisions of the Code; and
- Part 4, a glossary of terms.

## 2. BACKGROUND INFORMATION

### 1. Overview – electronic toll collection and privacy

In recent years electronic toll collection systems, using electronic devices known as transponders, have supplemented traditional toll collection systems, which use manual tollbooths, on toll roads around the world.

In line with these developments, CityLink Melbourne has elected to use an electronic toll collection system to toll CityLink. CityLink Melbourne's electronic toll collection system is called the "ETCS" and uses an electronic device, called "e-TAG", which frequent users attach to their vehicles before using CityLink.

The use of the ETCS improves traffic flow, congestion, efficiency, safety and the environment (e.g. air quality) when compared with traditional toll collection methods. A major advantage of electronic tolling is that it allows motorists to use CityLink without slowing down or stopping to pay tolls.

#### Privacy issues

CityLink Melbourne collects personal information as part of its CityLink account and toll collection systems. The ETCS has the potential to collect information regarding the details of the location and movements of e-TAG devices and vehicles on CityLink. CityLink Melbourne also collects information when individuals open CityLink Accounts. While the exact information collected will vary from case to case, CityLink Melbourne may collect details of name, address, telephone and fax numbers, bank account, licence plate number ("LPN") (i.e the number displayed on the vehicle's numberplate), vehicle make, model, colour and year and driver's licence number.

CityLink Melbourne recognises that the collection of personal information gives rise to a number of privacy concerns. In the case of CityLink, these concerns include such questions as:

- will the ETCS be used to track individual and vehicle movements;
- will government authorities have general or easy access to information collected by the ETCS;
- how secure is the information against unauthorised access; and
- will the information collected by CityLink Melbourne be used or disclosed to third parties for purposes unconnected with CityLink?

### Commitment to privacy protection

Any scheme for the protection of CityLink users' privacy has to accommodate the following constraints:

- (a) the requirements of the Melbourne City Link Act (which is the legislation specific to CityLink); and
- (b) the design constraints of the CityLink system, including the government requirement that the CityLink tolling system does not impede the flow of traffic, which means that manual toll booths cannot be used on CityLink.

CityLink Melbourne is committed to maintaining the privacy of CityLink users and to addressing privacy concerns such as those described. CityLink Melbourne is also committed to a policy of openness in the way that it collects and uses personal information.

CityLink Melbourne has developed the Privacy Code as part of these ongoing commitments.

CityLink Melbourne is committed to the implementation of the Privacy Code in spirit as well as in form.

### National Privacy Principles

CityLink Melbourne has based the Privacy Code provisions on the Federal Privacy Commissioner's National Principles for the Fair Handling of Personal Information and reviewed them based on the National Privacy Principles contained in the Privacy Act 1988 (Cth). CityLink Melbourne considers that implementation of the provisions of the Code through appropriate procedures will assist compliance with those Principles.

CityLink Melbourne has adopted the definition of "personal information" in the National Privacy Principles, which defines personal information as:

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

### Review of Privacy Code

CityLink Melbourne is committed to providing continued improvement in the standards of CityLink Melbourne and CityLink products and services. CityLink Melbourne recognises the need to actively consider privacy issues in the development of future products and services.

CityLink Melbourne will review the Privacy Code and its operation as is necessary. CityLink Melbourne is committed to a review of the Code at least once every three years.

### Background information

Sections 2, 3 and 4 of this Part 2, "Background Information", are a brief overview of the CityLink project structure, the ETCS and other CityLink systems relevant to personal information. This overview is intended to provide information about the way that CityLink Melbourne collects and uses personal information, with a particular focus on the ETCS and the CityLink Account system.

The actual operative provisions of the Privacy Code are contained in Part 3, "Privacy Code Provisions".

## 2. CityLink legislative scheme

### Melbourne City Link Act

CityLink is a toll road which is governed by the Melbourne City Link Act. Under the Act, a person who drives on CityLink without a valid CityLink Account (or CityLink Pass) may receive an infringement notice requiring the payment of a fine<sup>1</sup>.

The Melbourne City Link Act also gives legislative force to the Concession Deed, which is an agreement between CityLink Melbourne and the Victorian Government. The Concession Deed gives CityLink Melbourne the right to collect tolls from CityLink users, in return for financing, constructing and operating CityLink.

### CityLink Melbourne's relationship with the Victorian Government

CityLink Melbourne is a limited liability company that is listed on the Australian Stock Exchange. The shareholders of CityLink Melbourne are a variety of institutional and private investors.

As at October 2002, the Office of the Director, Melbourne City Link represents the interests of the Victorian Government regarding CityLink.

The Victorian Government also has a role in the enforcement of tolls. While CityLink Melbourne collects tolls on CityLink, enforcement procedures remain in the hands of the Victoria Police (particularly the Victoria Police Traffic Camera Office). The Victoria

Police Traffic Camera Office, in turn, may subcontract the operation of its functions to private contractors.

### Legislative privacy protection

Generally, the most important Australian legislation in the privacy protection field is the Privacy Act 1988 (Cth). Recent amendments to the Act have broadened its application to the private sector. In broad summary, private sector organisations will now have to comply with the National Privacy Principles. The Act is administered by the Privacy Commissioner. The Federal Privacy Commissioner's web site ([www.privacy.gov.au](http://www.privacy.gov.au)) contains useful information about the Act and the National Privacy Principles for those seeking further information.

There is also legislative privacy protection that is specific to CityLink. The Melbourne City Link Act regulates CityLink

Melbourne's use or disclosure of personal information collected during CityLink operations. The Act requires that information be kept confidential except in certain defined circumstances, including some required disclosures associated with the operation and enforcement of the tolling scheme.

Sections 90–93 are the relevant provisions of the Melbourne City Link Act.

1 Section 73 of the Act provides that a person must not drive a vehicle in a toll zone unless the vehicle is registered under Part 4 of the Act by the relevant corporation (CityLink Melbourne) at that time. CityLink Melbourne registers vehicles under Part 4 of the Act as part of the process that occurs when CityLink customers open a CityLink Account or purchase a CityLink Pass.

### 3. CityLink Electronic Toll Collection System

CityLink Melbourne uses the ETCS to collect tolls from motorists for the use of vehicles on CityLink. Central to the operation of the ETCS is the electronic device called “e-TAG”.

#### Toll calculation

CityLink is divided into a number of separate toll zones. The amount of the toll is fixed for each toll zone. The total toll for each trip on CityLink will be calculated according to the toll zones that a vehicle travels through in that particular trip. A cap applies to the total amount of the toll charged for any particular trip.

CityLink Melbourne classifies all vehicles as cars, light commercial vehicles, heavy commercial vehicles or motorcycles. Tolls are charged at a different rate for each class of vehicle.

#### CityLink Accounts

Regular users of CityLink open a CityLink Account with CityLink Melbourne. CityLink Melbourne offers CityLink users a number of CityLink Account options. The exact method of payment from CityLink users depends on the type of CityLink Account opened. Further information about CityLink Accounts can be obtained by contacting CityLink Melbourne on 13 26 29, by visiting the CityLink Customer Centre or by logging onto CityLink Melbourne's website at [www.transurban.com.au](http://www.transurban.com.au).

As with opening an account at a bank or a video store, individuals provide CityLink Melbourne with certain personal information when they open their CityLink Accounts. The extent of personal information provided depends on the type of CityLink Account opened. Generally, CityLink Melbourne requests that individuals provide their name, mailing address, contact address, telephone number, fax number (if available), driver licence number, LPN, vehicle make, model, year and colour and details required for payment.

CityLink Melbourne requires these personal details to open CityLink Accounts.

CityLink Melbourne does offer CityLink Account option for CityLink users seeking enhanced privacy (“Anonymous Account”), although certain conditions do apply.

CityLink Melbourne also offers CityLink Passes, which allow motorists to use CityLink casually. The use of a CityLink Pass does not involve the use of an e-TAG device. CityLink

Melbourne offers the CityLink Pass to allow infrequent users the opportunity to use CityLink without going through the procedure of obtaining an e-TAG device. CityLink Passes are limited to 12 per vehicle per year. It is not practical to provide infrequent users with an e-TAG device.

CityLink Melbourne's toll records (including CityLink Account records) are maintained in a central toll computer called “GATe”. GATe is owned and operated by CityLink Melbourne.

#### e-TAG

CityLink Account holders are provided with an e-TAG device for installation in each vehicle to be used on CityLink. The e-TAG device is a rectangular electronic unit about the size of a normal computer mouse.

A unique identifier number is electronically written on each e-TAG device. This identifier number is linked to the relevant CityLink Account in CityLink Melbourne's GATe.

Limited information about e-TAG device status, CityLink Account status and vehicle classification may also be written onto the e-TAG device. This information is limited to basic indicators. For example, an electronic “flag” may indicate that the CityLink registration of a vehicle linked to the e-TAG device (in GATe) is “valid”, “suspended” or “cancelled”.

The following information is not written on or read by the e-TAG device:

- name, address or other personal details;
- LPN details;
- vehicle make, model or year; or
- the balance remaining in a CityLink Account.

The information on the e-TAG device is read by the roadside equipment, which is located on and next to overhead gantries on CityLink. The roadside equipment also writes basic indicators of the kind described onto the e-TAG device. The information on the e-TAG device cannot be read by humans.

#### e-TAG – operation

When a vehicle with an e-TAG device passes a CityLink toll gantry, the roadside equipment will detect and read the e-TAG device (e-TAG device operation can also be tested at the CityLink Customer Service Centre). This process is called a “transaction”.

The roadside equipment will register and record the details of the transaction, including:

- (a) the unique identifier number of the e-TAG device;
- (b) the fact that the e-TAG device passed under that toll gantry; and
- (c) the time and date that the e-TAG device passed under the toll gantry.

The roadside equipment passes this information to GATe. GATe correlates the e-TAG device number with the correct CityLink Account and calculates the amount of the toll. If there are no circumstances that would cause an exception, the resulting transaction is a “valid transaction”. GATe calculates the toll and debits the correct CityLink Account accordingly.

The roadside equipment reads the e-TAG device by sending a microwave signal that is modified and reflected by the e-TAG device. The reflected signal includes the identification number of the e-TAG device. The communications are transacted at a frequency that is outside the normal operating range of radio, mobile telephones and other common electronic devices. The e-TAG device itself does not emit a signal of its own. Rather, it modifies and reflects the signal emitted by the roadside equipment.

### Exceptions

An “exception” occurs when a vehicle passes the overhead toll gantry and the roadside equipment does not register a valid transaction. The cause of an exception may be:

- a vehicle passing a toll gantry without an e-TAG device installed;
- a vehicle passing a toll gantry with a faulty e-TAG device installed e.g. an e-TAG device with a flat battery;
- a vehicle passing a toll gantry with an e-TAG device installed whose classification does not correlate with the vehicle’s classification as detected by the roadside equipment;
- a vehicle passing an overhead toll gantry with an e-TAG device that has been reported as lost or stolen;
- a vehicle passing a toll gantry when CityLink Melbourne has suspended that vehicle’s CityLink registration or cancelled the CityLink Account correlated with that vehicle’s e-TAG device; or
- a vehicle passing a toll gantry when CityLink Melbourne has noted that vehicle’s e-TAG device as being of interest due to operational concerns.

An exception does not necessarily imply a breach of the Melbourne City Link Act which would result in an infringement notice being sent to an individual by the Victoria Police. For example, a large number of exceptions are the result of legitimate CityLink Pass holders using CityLink.

Whenever an exception occurs, the roadside equipment will take and retain :

- (a) an image of the LPN taken by infra red camera (“LPN image”). The image taken only shows the LPN displayed on the front numberplate and does not show the occupants of the vehicle. An example of this image is shown in Figure 1; and
- (b) an overview image of the vehicle, taken by an overhead CCTV camera. This image is for detection, vehicle counting and classification of vehicles (according to CityLink Melbourne’s vehicle classification scheme) only.

The roadside equipment, using computerised optical character reading technology, will attempt to match the image of the LPN taken with CityLink Melbourne’s list of valid CityLink Pass holders for that day (which is downloaded periodically from GATe). The roadside equipment does not retain either image if this match is successful. However, if the match is not successful, these images are forwarded to CityLink Melbourne’s GATe.

GATe will also attempt to match the LPN image with the CityLink Pass list and will also discard the images if this match is successful. The chance of GATe matching the LPN image with the CityLink Pass list is increased if customers purchase their CityLink Pass before driving on CityLink. If there is no successful match then GATe will store the images for examination by human operators.

The LPN images and the overview image are actually taken of every vehicle that passes a toll gantry. However, they are not retained, sent to GATe or viewed by human operators if the roadside equipment registers a valid transaction or matches the LPN with the CityLink Pass list. The roadside equipment only forwards the material to GATe for computer optical character reading (and in some cases, a check by human operators) if the roadside equipment registers an exception.

### Toll enforcement

CityLink Melbourne will generally communicate with a CityLink Account holder directly if it appears that there is a problem with their CityLink Account or e-TAG device. If investigation and communication reveal that there is a valid reason for an exception, or if CityLink Melbourne and the Account holder can resolve the problem, there will be no need to forward a LPN image to the Victoria Police.

If it appears that a driver has used CityLink without a valid CityLink Account or CityLink Pass, CityLink Melbourne may elect to pass the LPN image to the Victoria Police. The Victoria Police may then elect to pursue enforcement action against the driver of the vehicle in question.

The enforcement process is similar to speed camera and red light camera enforcement. The Victoria Police matches the LPN with VicRoads’ vehicle registration database to ascertain the name and address of the owner of the vehicle in question. This process is solely a Victorian government activity. If a driver queries any enforcement action or if the issue goes to court, CityLink Melbourne may assist the Victoria Police by providing information to assist their investigations or court proceedings (subject to privacy protection laws). This information may include personal information relevant to the matter.

CityLink Melbourne provides the Victoria Police with images of LPNs and other information but does not have access to the VicRoads database. As CityLink Melbourne does not have access to this database, CityLink Melbourne cannot match LPNs with an individual’s personal details unless those individuals have provided CityLink Melbourne with their LPNs along with their personal details.

### Records

The Melbourne City Link Act requires that CityLink Melbourne keep records of the payment and non-payment of tolls. The Act also requires that CityLink Melbourne destroy any records about the non-payment of tolls within two years of creation, except in certain circumstances.

### Contractors

CityLink Melbourne employs a range of contractors to assist in CityLink operations. These contractors may have access to and use customer’s personal information and CityLink Melbourne regularly exchanges personal information with

these contractors when necessary for CityLink's operations. Generally CityLink Melbourne will exchange information with contractors involved in customer service or toll monitoring operations.

The types of contractors that CityLink Melbourne regularly exchanges personal information with include:

- call centre operators;
- mailhouse organisations;
- contractors that own or operate distribution outlets (such as electronic kiosks) for CityLink;
- Australia Post;
- towing, roadside support and maintenance and logistics contractors;
- delivery supply contractors; and direct marketing contractors.



Figure 1: Digital image of LPN taken by infra red camera following exception (image reproduced here with consent of vehicle owner).

#### 4. CityLink – other systems

##### Incident detection cameras

CityLink uses a computerised Automatic Incident Detection (AID) system for traffic management and safety purposes. The AID system's function is to assist authorised human operators by alerting them to stationary objects, which may indicate a traffic incident such as a broken-down vehicle. The majority of CityLink is also monitored by 24-hour CCTV cameras, again for traffic management and safety purposes. These cameras, some of which have zoom/pan/tilt capability, are monitored by authorised CityLink Traffic Control Room operators.

The Melbourne City Link Act also requires that CityLink Melbourne share the information from AID system and CCTV cameras with VicRoads. CityLink Melbourne also has access to certain VicRoads cameras that cover areas of road related to CityLink.

##### Marketing information

CityLink Melbourne maintains a number of databases for marketing purposes. CityLink Melbourne collects the personal information on these databases:

- from the information that CityLink Account holders provide when they open and manage CityLink Accounts;
- from the details that the ETCS collects when customers travel on CityLink;
- from third parties who provide information for marketing purposes (e.g Yellow Pages); and
- directly from parties who show an interest in CityLink.

CityLink Melbourne offers individuals the opportunity to decline to receive CityLink Melbourne's direct marketing communications.

#### Other CityLink systems

There are a number of other CityLink systems. These systems have not been described here as they are of marginal relevance to the personal information of CityLink customers or the general public. Further information about these systems can be obtained by accessing CityLink Melbourne's website at [www.transurban.com.au](http://www.transurban.com.au) or by contacting the CityLink Customer Centre at:

CityLink Customer Centre  
67 Lorimer St, Southbank  
Locked Bag 28, South Melbourne MDC, 3205  
Ph: 13 26 29

### 3. PRIVACY CODE PROVISIONS

#### Note on interpretation and structure

This Part 3 contains the actual operative provisions of the Privacy Code.

The operative provisions are divided into 12 Sections, which are further divided into paragraphs. Each Section includes:

- general principles (except Section 12), under the headings "General principle" or "General principles"; and
- specific provisions, under all other headings.

The general principles are intended to be an overall guide to the way that CityLink Melbourne collects, uses and handles personal information and will be used in the formulation of policies and procedures necessary for new developments. Collectively, the general principles form CityLink Melbourne's Privacy Principles. The specific provisions provide clarifications, extensions or exceptions to the general principles that are required by particular circumstances. The specific provisions concentrate on the collection and use of personal information by and for the ETCS and especially on the collection, use and disclosure of recorded images.

*Text written in italics is for information only and does not form part of the Code.*

#### 1. Collection and purpose of collection of information

##### General principles

- CityLink Melbourne only collects personal information that is required for its legitimate functions and activities.
- CityLink Melbourne only collects personal information by lawful and fair means.
- CityLink Melbourne does not collect personal information in an unreasonably intrusive way.
- CityLink Melbourne generally only collects personal information directly from individuals or by means to which an individual has given consent.
- When CityLink Melbourne collects personal information (either directly or through third parties), CityLink Melbourne takes reasonable steps to ensure that the individual who is the subject of the information is aware of:

- (a) the identity of CityLink Melbourne and how to contact it;
- (b) the fact that the individual has rights to gain access to the information;
- (c) the purposes for which the information is collected;
- (d) the types of individuals or organisations to which CityLink Melbourne usually discloses the information (if allowed by law or consent);
- (e) any law that requires that the information be collected; and
- (f) the main consequences of not providing the information.

### Information collected by ETCS toll gantry equipment

- 1.6. Paragraphs 1.7 to 1.13 apply when a vehicle passes a toll gantry.
- For a description of the process that occurs when a vehicle passes a toll gantry, see section 3 of Part 2 "Background Information" of this Code.*
- 1.7. If the roadside equipment registers a valid transaction:
- (a) the roadside equipment does not retain any LPN image or overview image of that particular vehicle;
  - (b) the roadside equipment does not forward to GATe any LPN image or overview image of that particular vehicle and GATe cannot access the images; and
  - (c) human operators do not access or view the LPN image or the overview image of that particular vehicle.
- 1.8. If the roadside equipment registers an exception, then the roadside equipment attempts to match the LPN in the LPN image with the CityLink Pass List. If a successful match occurs, then:
- (a) the roadside equipment does not retain any LPN image or overview image of that particular vehicle;
  - (b) the roadside equipment does not forward to GATe any LPN image or overview image of that particular vehicle and GATe cannot access the images; and
  - (c) human operators do not access or view the LPN image or the overview image of that particular vehicle.
- 1.9. The roadside equipment retains the LPN image and the overview image if:
- (a) the roadside equipment registers an exception; and
  - (b) the roadside equipment does not successfully match the LPN image with a LPN on the CityLink Pass list.
- The roadside equipment sends the images to GATe.
- 1.10. GATe also attempts to match the LPN in the LPN image with the CityLink Pass list. If a successful match occurs, GATe deletes the images and human operators do not view the images. If a successful match does not occur, authorised human operators will view the images.

- 1.11. The roadside equipment is positioned so that the LPN image taken only shows a small portion of the vehicle around the LPN displayed on the vehicle's numberplate. The image does not show the occupants of the vehicle.
- 1.12. The roadside equipment is positioned so that the overview image does not show the interior or occupants of the vehicle unless the roof of the vehicle is removed.
- 1.13. The roadside equipment cameras are fixed in place and do not have zoom or pan capabilities.
- 1.14. Account holders are informed when they receive their e-TAG devices that ETCS toll equipment may take and retain an image of their vehicle when their vehicle passes a toll gantry.

CityLink Pass account terms and conditions include a provision that informs CityLink Pass holders that the ETCS toll equipment will take and retain an image of their vehicle when their vehicle passes a toll gantry.

- 1.15. CityLink Melbourne uses the personal information collected by the roadside equipment for the primary purposes of:
- (a) toll processing and collection;
  - (b) detection of exceptions and possible reporting of exceptions to the Victoria Police;
  - (c) CityLink Account and CityLink Pass management, including detection and management of problems or difficulties with e-TAG devices or CityLink Accounts, including theft or fraud;
  - (d) maintaining records about payment or non-payment of tolls. The Melbourne City Link Act requires that CityLink Melbourne maintain these records.

### Incident detection cameras

- 1.16. CityLink is monitored 24 hours a day by either an incident detection system or by CCTV cameras for safety and traffic management purposes. These systems are monitored by authorised CityLink Traffic Control Room operators at CityLink Melbourne's Operations and Maintenance Centre.
- 1.17. These systems may record video footage of incidents on CityLink.
- 1.18. CityLink Melbourne uses the incident detection cameras and video footage for monitoring the operation of CityLink and safety and accidents on CityLink. CityLink Melbourne may use information collected by the incident detection cameras to aid in the prevention of accidents on CityLink.
- 1.19. CityLink Melbourne may also receive images and information from selected VicRoads traffic cameras. CityLink Melbourne uses the information from VicRoads' cameras for the purposes specified in paragraph 1.18.

### Personal CityLink Account details

- 1.20. CityLink Melbourne collects certain personal details from CityLink Account holders when they open a

CityLink Account and may update these personal details or collect further personal details from CityLink Account holders during the term of the CityLink Account. In this Code these details are called “personal CityLink Account details”.

- 1.21. CityLink Melbourne collects personal CityLink Account details either:
- directly from CityLink Account holders when they open a CityLink CityLink Account; or
  - from its agents or contractors engaged to receive information from CityLink users for the purpose of opening or maintaining CityLink CityLink Accounts.
- 1.22. CityLink Melbourne keeps a record of each CityLink Account holder’s CityLink Account balance. If a CityLink Account holder makes a payment to the credit of their CityLink Account through a third party, CityLink Melbourne receives information from that third party of the payment made.
- CityLink Melbourne’s agents for collection of payments include its contractors engaged to assist CityLink Melbourne’s product distribution and customer interface management. These include call centre operation, mailing house contractors and specialist organisations such as electronic kiosk network operators.*
- 1.23. CityLink Melbourne collects personal CityLink Account details for the primary purposes of processing and collecting toll payments and administering CityLink Accounts.

### Credit reports

- 1.24. Other than as described in paragraph 1.25, CityLink Melbourne does not request credit reports about natural persons from credit reporting agencies, as CityLink Melbourne does not request credit reports about natural persons who open consumer CityLink Accounts (i.e. CityLink Accounts for non-business use).
- 1.25. CityLink Melbourne may request credit reports from natural persons who open a commercial CityLink Account. If CityLink Melbourne does request a credit report about a natural person, CityLink Melbourne complies with the provisions of Part IIIA of the Privacy Act 1988 (Cth) and the Credit Reporting Code that are applicable to CityLink Melbourne.

### Marketing

- 1.26. CityLink Melbourne may use the personal information that it collects for marketing purposes (including making direct marketing communications) and for contacting customers for survey purposes.
- 1.27. CityLink Melbourne may collect personal information about an individual for marketing purposes (even if that individual has not opened a CityLink Account) if the information is provided or obtained with the individual’s consent.
- 1.28. CityLink Melbourne may collect personal information about an individual from third parties to enable CityLink

Melbourne to contact those individuals for marketing purposes. On request, CityLink Melbourne informs those individuals of the source of the personal information.

*The use and disclosure of personal information for marketing purposes (including direct marketing communications) is subject to the provisions of this Code. Paragraphs 2.15 to 2.23 are specifically concerned with the use and disclosure of personal information for marketing purposes.*

- 1.29. CityLink Melbourne may only collect sensitive information about an individual if the individual consents to the collection, the collection is required by law to establish, exercise or defend a legal or equitable claim or the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual and the subject of the sensitive information is incapable of giving or communicating their consent to collection.

## 2. Use and disclosure of personal information

### General principle

- 2.1. Generally, CityLink Melbourne only uses or discloses personal information for the purpose for which it was collected. Exceptions to this general principle are limited to those provided for in the Privacy Code.

### Use and disclosure of personal information

- 2.2. CityLink Melbourne only uses and discloses personal information in accordance with the requirements of the Melbourne City Link Act.
- Sections 90-93 of the Melbourne City Link Act regulate CityLink Melbourne’s use and disclosure of personal information.*
- 2.3. CityLink Melbourne uses or discloses personal information for the purposes specified in section 1 of this Part 3 of this Code, or for purposes that:
- are related (or directly related in the case of sensitive information) to the purposes specified in section 1 of this Part 3 of this Code; and
  - the subject of the personal information would reasonably expect CityLink Melbourne to use or disclose the personal information for.
- 2.4. Apart from the use or disclosure of personal information in accordance with paragraph 2.3, CityLink Melbourne will only use or disclose personal information if:
- the subject of the personal information gives informed consent to the use or disclosure of the information;
  - use or disclosure is required by the Melbourne City Link Act or directed by the Minister for Transport (or other Minister who has jurisdiction over CityLink or CityLink Melbourne’s operations). Provisions that will require disclosure include:

- (1) CityLink Melbourne is required to allow a person authorised by the Minister to inspect CityLink Melbourne's records about the payment or non-payment of tolls; and  
*See s 92 of the Melbourne City Link Act.*
- (2) CityLink Melbourne is required to notify all relevant government agencies if, in the normal course of operating CityLink, CityLink Melbourne becomes aware of:
- (A) any unlawful act of a serious nature being committed; or
  - (B) any other conduct which the Victorian Government notifies CityLink Melbourne that CityLink Melbourne is reasonably required to report to specified government agencies;
- on CityLink;
- Paragraph 2.4(b)(2) reflects clause 9.9 of the Concession Deed, which forms Schedule 1 to the Melbourne City Link Act. Clause 9.9 of the Concession Deed does not require CityLink Melbourne to take active, positive steps to seek out transgressions of the law.*
- (c) is reasonably necessary –
- (i) to investigate whether or not there has been any loss, theft or misuse or CityLink Melbourne's e-TAG devices or any part of CityLink Melbourne's ETCS; or
  - (ii) to take any enforcement action in relation to any theft or misuse of CityLink Melbourne's e-TAG devices or a part of CityLink Melbourne's ETCS.
- (d) it is reasonably necessary, either to investigate whether or not there has been any breach of, or to enforce –
- (i) any provision of the Dangerous Goods Act 1985 (Vic), or regulations made under that Act; or
  - (ii) any provision of the Transport Act 1999 (Vic), or regulations made under that Act; or
  - (iii) any provision of the Road Transport (Dangerous Goods Acts) Act 1995 (Vic), or regulations made under that Act or the applied provisions within the meaning of that Act; or
  - (iv) any provision of Part 9A of the Environment Protection Act 1970 (Vic), or regulations made under that Act –  
which relates to the transport of dangerous goods or waste on CityLink; or
- (e) use or disclosure is otherwise required by law (legislation or court order);

- (f) use or disclosure is made in circumstances where CityLink Melbourne believes on reasonable grounds that use or disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of one or more people;
- (g) disclosure is to the Ombudsman to enable the Ombudsman to perform their duties with respect to police force access to personal information;
- (h) use or disclosure is required for the purposes of legal proceedings in which CityLink Melbourne has an interest;
- (i) an authorised police officer (the Chief Commissioner of Police or another police officer of the rank of inspector or above who is appointed by the Chief Commissioner) makes a certification under the Melbourne City Link Act that disclosure is reasonably necessary for the enforcement of the criminal law;  
*Under s 90B(1) of the Melbourne City Link Act the term "enforcement of the criminal law" is defined and relates to indictable offences only. Under the Ombudsman Act, the Ombudsman monitors compliance by the Police Force with the privacy protection provisions of the Melbourne City Link Act.*
- (j) disclosure is to a court, the sheriff, a person or body acting on behalf of the State of Victoria or a law enforcement agency to allow the court, sheriff, person or body to make, enforce or execute a court order or judgment in relation to an offence against or liability under Part 4 of the Melbourne City Link Act; or
- (k) the information has been depersonalised and cannot be related to or used to identify a particular individual.

- 2.5. CityLink Melbourne makes, as soon as possible and within 5 business days of the use or disclosure, a record of every time that it uses or discloses personal information under paragraphs 2.4 (a)-(j). The record notes:
- (a) the name of the person who disclosed or used the personal information;
  - (b) the date of the use or disclosure;
  - (c) in the case of disclosure of personal information, the person or body to whom the disclosure was made;
  - (d) in the case of use of personal information, a brief description of how the personal information was used;
  - (e) the legal authority under which the disclosure or use was made; and

- (f) if the authority under which the disclosure or use was made involved a document (for example, a warrant or certificate of an authorised police officer), a copy of that document.
- 2.6. CityLink Melbourne only uses or discloses personal information to the extent necessary to fulfil the purposes that this Code permits (including use or disclosure under paragraph 2.4).

### Referral to Victoria Police

- 2.7. As an alternative to immediate enforcement measures and referral of LPN images to the Victoria Police, CityLink Melbourne may correspond with CityLink Account holders if an exception is registered on their CityLink Account or if there is some other problem with their CityLink Account.
- 2.8. CityLink Melbourne does not refer LPN images to the Victoria Police when it appears that there is a valid explanation for an exception that is recorded on an CityLink Account holder's CityLink Account.
- 2.9. CityLink Melbourne may elect to pass the LPN image showing the LPN to the Victoria Police if it appears that a vehicle that has not been registered under Part 4 of the Melbourne City Link Act, has been driven on CityLink in contravention of Part 4 of that Act. CityLink Melbourne may also pass other personal information to the Victoria Police in these circumstances if the Victoria Police requests that information as part of its investigative and enforcement processes relating to tolls and CityLink Registration.
- 2.10. CityLink Melbourne does not provide the Victoria Police with personal information except in the circumstances described in paragraphs 2.3, 2.4 and 2.9.

### LPN images, overview images and CCTV images

- 2.11. CityLink Melbourne only uses overview camera images for detecting, counting and classifying vehicles (according to CityLink Melbourne's vehicle classification scheme) using CityLink.
- 2.12. CityLink Melbourne does not disclose LPN images to any third party, except:
- (a) that CityLink Melbourne may, at its option, disclose LPN images to the Victoria Police for the purpose of toll enforcement; and
  - (b) as described in paragraph 2.4.
- 2.13. CityLink Melbourne does not disclose overview images to any third party, except as described in paragraph 2.4.
- 2.14. CityLink Melbourne shares its AID system and CCTV camera system with VicRoads. CityLink Melbourne does not otherwise disclose personal information recorded by these systems except as described in paragraph 2.4.

*CityLink Melbourne is required by the Melbourne City Link Act to share these systems with VicRoads.*

### Marketing

- 2.15. Except as described in this paragraph 2.15, CityLink Melbourne does not disclose personal information for marketing of products or services.
- The exception to this is that CityLink Melbourne may, for the purpose of marketing, disclose personal information to its contractors that are engaged to provide marketing services for CityLink Melbourne.
- 2.16. CityLink Melbourne does not use personal information for marketing of products or services other than CityLink Melbourne products and services.
- 2.17. CityLink Melbourne may include direct marketing communications about a third party's products or services with CityLink Melbourne's communications to CityLink Account holders if the third party's products or services relate to CityLink Melbourne's products or services. In this case, CityLink Melbourne sends the direct marketing communications itself and does not provide any personal information to the third party.
- 2.18. CityLink Account applications allow prospective CityLink Account holders to opt out of receiving any direct marketing communications from CityLink Melbourne.
- 2.19. If CityLink Melbourne uses personal information obtained from a third party to contact an individual for direct marketing purposes, CityLink Melbourne gives the individual, at the time of first contact and at any time afterwards, the opportunity to decline to receive further direct marketing communications.
- 2.20. Each CityLink Melbourne written direct marketing communication sets out CityLink Melbourne's business address, telephone, fax and email number.
- 2.21. If individuals inform CityLink Melbourne at any time that they do not wish to receive any further direct marketing communications (including by selection on their application form), then CityLink Melbourne does not send or make any further direct marketing communications to those individuals.
- 2.22. Paragraph 2.21 does not prevent individuals receiving CityLink Melbourne marketing communications that are directed at the public generally (e.g. television advertisements, leaflet drops that are not targeted at identifiable individuals).
- 2.23. CityLink Melbourne may disclose names and addresses to mailing houses for the purpose of compiling mailing lists for direct marketing communications by CityLink Melbourne (only). CityLink Melbourne requires that mailing houses either destroy or return this personal information when it is no longer required by the particular mailing house for this purpose.

### Other specific provisions

- 2.24. Generally, CityLink Melbourne does not disclose personal information to credit reporting agencies.

The exceptions to this are that CityLink Melbourne may disclose personal information:

- that is provided by individuals who open commercial CityLink Accounts. CityLink Melbourne may only disclose this personal information for the purpose of obtaining credit reports; or
- regarding individuals who are in payment default. CityLink Melbourne may only disclose this personal information for the purposes of the credit reporting agency's reporting regime. CityLink Melbourne will warn these individuals and provide them with an opportunity to remedy the default before disclosing their personal information to any credit reporting agency.

- 2.25. CityLink Melbourne may disclose any personal information necessary to allow CityLink Melbourne to receive payment by the payment method nominated by a particular CityLink Account holder.
- 2.26. CityLink Melbourne may disclose personal information to its debt collectors if necessary to enable CityLink Melbourne to collect any debts owing to it.

### 3. Quality of personal information

#### General principle

- 3.1. CityLink Melbourne takes reasonable steps to ensure that the personal information that it collects or uses is accurate and complete.

#### Collection of personal information

- 3.2. CityLink Melbourne collects personal CityLink Account details (and personal information supplied by CityLink Pass holders) from CityLink Account (or CityLink Pass) holders either directly or from its agents or contractors engaged to receive information from CityLink users.
- 3.3. Images taken when the roadside equipment registers an exception are double-checked by human operators before being passed on to the Victoria Police for enforcement procedures.

#### Statements

- 3.4. CityLink Melbourne provides CityLink Account holders with regular statements and will provide more detailed statements on request (for a minimal fee) to assist CityLink Account holders to verify their CityLink Accounts.
- 3.5. It is not practical for CityLink Melbourne to send statements and correspondence to CityLink Pass holders or to CityLink Account holders who do not provide their names and addresses. CityLink Melbourne does not send statements to CityLink Account holders who have not used CityLink since the date of their last statement.

#### Requests to contact CityLink Melbourne

- 3.6. CityLink Melbourne requests that customers contact CityLink Melbourne if they become aware that any personal information held about them by CityLink Melbourne is incorrect.

- 3.7. Every statement includes a request by CityLink Melbourne for customers to contact CityLink Melbourne if any of the information appearing on the statement is incorrect.

## 4. Personal information security

### General principles

- 4.1. CityLink Melbourne takes reasonable and adequate steps to protect personal information from misuse, loss and unauthorised access, modification or disclosure.
- 4.2. CityLink Melbourne takes reasonable steps to destroy or de-personalise information once the personal information is no longer required by CityLink Melbourne.

### Personal information security

- 4.3. CityLink Melbourne ensures that personal information (including information stored in archives) is protected through the use of:
- (a) procedural safeguards;
  - (b) physical safeguards;
  - (c) software and hardware safeguards;
  - (d) access controls;
  - (e) secure methods of communication; and
  - (f) back-up and disaster recovery systems to protect against disruption or deletion of personal information.
- 4.4. CityLink Melbourne only grants employees and contractors access to personal information to the extent required to enable them to perform their allocated duties.
- 4.5. CityLink Melbourne does not store details of names, addresses or LPNs on individual e-TAG devices.

### Retention and destruction of personal information

- 4.6. CityLink Melbourne may keep personal information for as long as it may be required for the purposes specified in this Code.
- 4.7. If none of the personal information collected in relation to a particular CityLink Account has been used for 7 years, CityLink Melbourne destroys the personal information collected in relation to that CityLink Account.
- 4.8. CityLink Melbourne destroys or depersonalises all records about the non-payment of tolls (including LPN images) 2 years after creation, unless those records are required for the purposes of legal proceedings.
- The Melbourne City Link Act requires that CityLink Melbourne destroy all records relating to the non-payment of a toll within 2 years after the creation of those records, unless those records do not identify any person or vehicle or are required for legal proceedings commenced before the end of the 2 year period.*
- 4.9. CityLink Melbourne requires that mailing houses either destroy or return the personal information that CityLink Melbourne provides for the purpose of compiling

mailing lists when it is no longer required by the particular mailing house for this purpose.

### Retention and destruction of information collected by CCTV cameras

- 4.10. CityLink Melbourne does not retain information obtained by the AID system or video footage shot by CCTV cameras and this information and video footage is destroyed within 24 hours. The exception to this is that CityLink Melbourne may record and retain specific information or video footage where CityLink Melbourne considers that the information or video footage:
- is required to enhance safety on CityLink;
  - is required for CityLink traffic management purposes;
  - may be necessary for future legal proceedings in which CityLink Melbourne is a party; or
  - is required to be recorded or retained by law.
- 4.11. Use, disclosure and storage of information and video footage recorded and retained under paragraph 4.10 is subject to the provisions of this Code. CityLink Melbourne destroys video footage and information recorded and retained under paragraph 4.10 when CityLink Melbourne considers that CityLink Melbourne no longer requires it.

## 5. Openness

### General principles

- 5.1. CityLink Melbourne, through the Privacy Code, has developed management policies for the handling of personal information.
- 5.2. CityLink Melbourne informs individuals of:
- the sort of personal information it holds, for what purposes and how it collects, holds, uses and discloses that information; and
  - its policies for handling personal information.
- CityLink Melbourne believes that these provisions will generally be met through this Code.*

### Access to privacy information

- 5.3. All CityLink Account holders are provided with a short statement regarding this Code and CityLink Melbourne's policies for handling personal information when they open their CityLink Account.
- 5.4. Any person may obtain a copy of CityLink Melbourne's Privacy Principles or of this Code free of charge by contacting the CityLink Customer Centre:
- CityLink Customer Centre  
67 Lorimer St, South Melbourne  
Locked Bag 28, South Melbourne MDC, 3205  
Ph: 13 26 29
- This Code is also available through CityLink Melbourne's website: [www.transurban.com.au](http://www.transurban.com.au)
- 5.5. CityLink Account holders or members of the public should contact the CityLink Customer Centre (using

the contact details in paragraph 5.4) if they have any queries about privacy or CityLink Melbourne's personal information handling policies that are not answered by this Code.

## 6. Access and correction

### General principles

- 6.1. CityLink Melbourne, where practical, provides individuals with access to the personal information that CityLink Melbourne holds about them.
- 6.2. CityLink Melbourne corrects the personal information that it holds when that personal information is not accurate.

### Application

- 6.3. CityLink customers or ex-CityLink customers may request that CityLink Melbourne give access to any personal information about their CityLink Accounts or their use of CityLink. The customer holder must:
- provide their CityLink Account number;
  - make the request in person at the CityLink Customer Centre;
  - provide their PIN with the request, or if a PIN is unavailable, suitable proof of identification that the customer has previously provided; and
  - provide suitable photographic identification with the request (i.e. driver licence or passport).
- 6.4. Following a proper request made under paragraph 6.3, CityLink Melbourne provides access to all of the information described in paragraph 6.3 that is available to CityLink Melbourne, except in the following circumstances:
- if providing access would pose a serious and imminent threat to the life or health of any individual;
  - if providing access would have an unreasonable impact on the privacy of other individuals;
  - if the request for access is frivolous or vexatious;
  - if providing access would prejudice the investigation of possible unlawful activity, such as fraud;
  - providing access would be likely to prejudice:
    - the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of the law imposing a penalty or sanction;
    - the enforcement of laws relating to the confiscation of the proceeds of crime;
    - the protection of the public revenue;
    - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or

- the preparation for, or conduct of proceedings before any court or tribunal, or implementation of its orders;
- by or on behalf of any enforcement body;
- (f) if providing access to the information would be unlawful;
  - (g) if the information relates to current or threatened dispute resolution proceedings and would not be available through the discovery process in those proceedings;
  - (h) providing access would reveal the intentions of CityLink Melbourne in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - (i) if an enforcement body performing a lawful security function has asked CityLink Melbourne not to provide access on the basis that providing access would be likely to cause damage to the national security of Australia.
- 6.5. However, where providing access would reveal evaluative information generated within CityLink Melbourne in connection with a commercially sensitive decision making process, CityLink Melbourne may give the customer an explanation for the commercially sensitive decision rather than direct access to the information.
- 6.6. If CityLink Melbourne refuses a request for access to information, then CityLink Melbourne provides the applicant with written reasons for its decision. CityLink Melbourne will also, if reasonable, consider whether the use of mutually agreed intermediaries will allow sufficient access to meet the needs of both parties. CityLink Melbourne's written reasons will include its opinion as to the suitability of intermediaries and its suggestions (if any) for progressing and resolving the matter.
- 6.7. CityLink Melbourne may recover its reasonable costs of providing access to the information. However:
- (a) the charge must not be excessive; and
  - (b) CityLink Melbourne does not impose a charge for making a request for access to the information.
- 6.8. CityLink Melbourne will correct any personal information held if the subject of the information proves (in writing) to CityLink Melbourne's reasonable satisfaction that the information is incorrect. If CityLink Melbourne disagrees with an individual's assessment of whether the information is correct, CityLink Melbourne provides reasons for its decision and notes that the information is disputed.

## 7. Identifiers

### General principle

- 7.1. CityLink Melbourne limits its use of government assigned identifiers and does not adopt these identifiers as its own.

## LPNs

- 7.2. CityLink Melbourne does not and is not able to access VicRoads' vehicle registration database for any purpose.
- 7.3. CityLink Melbourne usually requires that a CityLink Account applicant nominate a LPN that will be correlated with the CityLink Account.
- CityLink Melbourne uses LPNs for registering vehicles in accordance with the Melbourne City Link Act, for avoiding unnecessary referrals to the Victoria Police, for clarifying possible difficulties with CityLink Accounts and e-TAG devices and for protection against fraud or theft. For example, a CityLink Account holder may use CityLink without their e-TAG device in their vehicle or the e-TAG device may not be detected by the ETCS. If CityLink Melbourne has a record of the CityLink Account holder's LPN, CityLink Melbourne can check the LPN, note that it is linked to a current CityLink CityLink Account, manually charge the appropriate toll and contact the customer to determine whether there is a problem with the e-TAG device. If CityLink Melbourne did not have a record of the CityLink Account holder's LPN, CityLink Melbourne has no option but to forward an image of the LPN to the Victoria Police.*
- 7.4. Generally, CityLink Melbourne uses its own identifier numbers for identifying CityLink Accounts and e-TAG devices and does not use LPNs as a means of identifying CityLink Accounts or e-TAG devices. However, CityLink Melbourne may:
- (a) use LPNs as a means of ordering CityLink Passes; and
  - (b) combine LPNs with other letters or numbers (such as CityLink Account numbers) to provide CityLink Account holders with the identifier number (or combination of numbers and letters) required by s 73D(1)(c) of the Melbourne City Link Act.
- 7.5. CityLink Pass holders must provide CityLink Melbourne with a LPN.
- 7.6. Use and disclosure of LPNs is governed by the standards of this Code.

## 8. Anonymity

### General principle

- 8.1. Wherever it is lawful and practicable, CityLink Melbourne gives CityLink users the option to use CityLink without identifying themselves.

### Anonymous Account

- 8.2. CityLink Melbourne provides a CityLink Account (the "Anonymous Account") that allows individuals to use CityLink without identifying themselves to CityLink Melbourne. In particular, CityLink Melbourne will not require the provision of details of an Anonymous Account holder's name, address or contact details.

- 8.3. Due to the constraints of legislation, CityLink Melbourne may require that an Anonymous Account holder provides some information to allow the registration of their vehicle. CityLink Melbourne may specify the information required. CityLink Melbourne endeavours to minimise the amount of the information required.
- 8.4. CityLink Melbourne may impose terms and conditions (including requiring a deposit) on the use of anonymous accounts in addition to those imposed on other accounts .
- 8.5. In no case is CityLink Melbourne able to guarantee full anonymity. The roadside equipment will still retain a LPN image and an overview image of a vehicle if the roadside equipment does not register a valid transaction when that vehicle passes a toll gantry. In this case, CityLink Melbourne may pass the LPN image to the Victoria Police.
9. Compliance with this Code

### General principle

- 9.1. CityLink Melbourne implements this Code through the use of proper procedures, staff training and audit provisions.

### Procedures

- 9.2. CityLink Melbourne ensures that its employees and contractors who deal with personal information are aware of the standards of this Code.
- 9.3. CityLink Melbourne requires that all CityLink Melbourne staff or contractors with access to personal information maintain confidentiality concerning that personal information. CityLink Melbourne implements this requirement through appropriate contract terms.
- 9.4. CityLink Melbourne requires that its employees comply with the standards of this Code.
- 9.5. CityLink Melbourne expects and uses its best endeavours to ensure that its contractors comply with the standards of this Code.
- 9.6. CityLink Melbourne's procedures for handling personal information are developed to implement the standards of this Code. CityLink Melbourne trains its employees in the proper conduct of those procedures that are relevant to their duties.

### Audits

- 9.7. On a regular basis, CityLink Melbourne engages an independent external auditor to conduct an external privacy audit of CityLink Melbourne's operations. The purpose of this audit is to measure compliance with the provisions of this Code by CityLink Melbourne.
- 9.8. Where appropriate and necessary, CityLink Melbourne will engage an independent external auditor to conduct an external privacy audit of the operations of any non-government contractor that has a significant role in dealing with personal information collected for the operation or tolling of CityLink. The purpose of this audit is to measure compliance with the provisions of

this Code by those contractors.

- 9.9. CityLink Melbourne considers the results of every privacy audit and may review or alter its operating procedures if it would appear necessary or desirable following an audit.

## 10. Breaches of this Code

### General principle

- 10.1. CityLink Melbourne provides CityLink Account holders and members of the public with an avenue for pursuing breaches of the Privacy Code or other privacy complaints.

### Complaints and disputes procedure

- 10.2. CityLink Melbourne's officer responsible for monitoring compliance with this Code is the Privacy and Compliance Manager.
- 10.3. Any person who considers that a standard of this Code has been breached may lodge a complaint using the CityLink complaints procedure. CityLink Melbourne will handle the complaints using the procedures established for the CityLink complaints procedure. The contact details are given in paragraph 5.4.
- 10.4. If a person is not satisfied with the outcome of the CityLink complaints procedure, then that person may have the complaint reviewed by the Privacy and Compliance Manager. The Privacy and Compliance Manager will review the complaint within a reasonable time and will provide reasons for the decision made following the review.
- 10.5. CityLink Melbourne acknowledges the jurisdiction of the Federal Privacy Commissioner and is subject to the dispute resolution provisions of the Privacy Act 1988 (Cth.).

## 11. Review of this Code

### General principle

- 11.1. CityLink Melbourne ensures that the Privacy Code remains up-to-date and workable and continues to fulfil its objectives.

### Review

- 11.2. CityLink Melbourne will review this Code and its operation as necessary and at least once every 3 years. In conducting this review, CityLink Melbourne will have regard to:
- the need to actively consider privacy issues as new products and services are developed;
  - the views of any interested parties;
  - the National Privacy Principles or their successor;
  - the Privacy Act 1988 (Cth) and any Victorian privacy protection legislation or any other privacy protection legislation that applies to CityLink Melbourne; and
  - any relevant industry standards or codes.

- 11.3. CityLink Melbourne will also review this Code if changes to Victorian or Commonwealth legislation make significant changes to the manner in which CityLink Melbourne must deal with personal information.

## 12. Contractors and agents

- 12.1. CityLink Melbourne has entered into contracts for some of the services involved in CityLink's operations and maintenance. The use of the term CityLink Melbourne throughout this Code should be taken to refer to CityLink Melbourne's contractors and sub-contractors, where appropriate.

## 4. GLOSSARY

This glossary is a guide to some of the terms used in this Code:

<b>AID system</b>	means the CityLink automatic incident detection system, which assists in traffic management and safety operations by helping to identify potential incidents. Authorised CityLink operators and VicRoads personnel may have access to information from this system;
<b>CCTV camera</b>	means closed circuit television camera;
<b>CityLink Melbourne</b>	is CityLink Melbourne Limited and includes where appropriate its employees, contractors, subcontractors and agents;
<b>CityLink Melbourne's Privacy Principles</b>	is all of the provisions found under the headings "General principle" or "General principles" in Sections 1 to 11 of Part 3 of the Privacy Code, "Privacy Code Provisions";
<b>CityLink operators</b>	are, in this Code, the individuals who operate and maintain CityLink. CityLink operators are employed by CityLink Melbourne, or CityLink Melbourne's contractors and subcontractors;
<b>CityLink Pass</b>	is a form of CityLink product that allows casual use of CityLink (or part of it) for a specified time period. There are a variety of CityLink Pass products (for further information about these products, contact the CityLink Customer Centre or visit <a href="http://www.transurban.com.au">www.transurban.com.au</a> );
<b>CityLink Pass list</b>	is a list of LPNs nominated by CityLink Pass holders for a specified time period. The vehicles that carry those LPNs are entitled to travel on CityLink for that specified time period without an e-TAG device. CityLink Melbourne keeps a record of the date that particular LPNs are nominated for use on CityLink, as CityLink Passes are limited to 12 per vehicle per year;
<b>CityLink Registration</b>	means the registration of a vehicle on the CityLink Register maintained by CityLink Melbourne under the Melbourne City Link Act. The Melbourne City Link Act provides that, generally, it is an offence to drive on CityLink in a vehicle that is not registered on the CityLink Register. CityLink Registration is not the same as VicRoads registration;
<b>Concession Deed</b>	is the Agreement for the Melbourne City Link between the Victorian Government, CityLink Melbourne, Perpetual Trustee Company Limited and City Link Management

Limited. The Concession Deed is the agreement that allows CityLink Melbourne to operate CityLink and is given the force of law by the Melbourne City Link Act;

<b>direct marketing communication</b>	is a communication made: (a) to an identifiable person who has been specifically selected to receive the direct marketing communication on the basis of some element of their personal information; and (b) for the purpose of encouraging that person to purchase, acquire, or enter into a contract for the supply of, goods or services;
<b>e-TAG device</b>	is an electronic transponder that CityLink Melbourne issues to CityLink Account holders for installation in that CityLink Account holder's vehicles. e-TAG device allows CityLink Melbourne to collect tolls electronically from CityLink users;
<b>ETCS</b>	is CityLink Melbourne's electronic toll collection system that is used for the collection of tolls on CityLink;
<b>exception</b>	is the term used when a vehicle passes the roadside equipment without a valid transaction occurring. The cause of an exception may be; <ul style="list-style-type: none"> <li>• a vehicle passing a toll gantry without an e-TAG device installed;</li> <li>• a vehicle passing a toll gantry with a faulty e-TAG device installed e.g. an e-TAG device with a flat battery;</li> <li>• a vehicle passing a toll gantry with an e-TAG device installed that does not correlate with the vehicle's classification;</li> <li>• a vehicle passing an overhead toll gantry with an e-TAG device that has been reported as lost or stolen;</li> <li>• a vehicle passing a toll gantry when CityLink Melbourne has suspended that vehicle's CityLink Registration or cancelled the CityLink Account correlated with that vehicle's e-TAG device; or</li> <li>• a vehicle passing a toll gantry when CityLink Melbourne has noted that vehicle's e-TAG device as being of interest due to operational concerns;</li> </ul>
<b>identifier</b>	is an identifier assigned by an organisation to an individual to uniquely identify that individual for the purposes of the operations of the organisation e.g. tax file numbers. A LPN is not an identifier for the purposes of this Code as a LPN is assigned to a vehicle;
<b>GATe</b>	is the ETCS central storage and processing computer. GATe is owned and operated by CityLink Melbourne;
<b>LPN</b>	, or licence plate number, is the registration number allocated to each vehicle by VicRoads on registration. The LPN is the number displayed on a vehicle's numberplate;
<b>LPN image</b>	is an image of a vehicle's LPN that is taken by an infra red camera when the vehicle passes a toll gantry. The image is not retained if there is a valid transaction. The image taken only shows the LPN displayed on the numberplate and does not show the occupants of the vehicle;

<b>National Privacy Principles</b>	are the National Privacy Principles contained in Schedule 3 of the Privacy Act 1988 (Cth);
<b>overview image</b>	is an overview image of vehicle, taken by an overhead CCTV camera when it passes a toll gantry. This image is for the detection, counting and classification of vehicles (according to CityLink Melbourne's vehicle classification scheme) only;
<b>personal CityLink Account details</b>	in this Code, is the personal information that CityLink Melbourne collects from individuals when they open and maintain their CityLink Accounts. The term "personal CityLink Account details" denotes personal information that is supplied to CityLink Melbourne directly by CityLink Account holders, as opposed to information that is collected by the ETCS;
<b>personal information</b>	means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion;
<b>PIN</b>	is the number that a CityLink Account holder uses for security purposes in relation to a CityLink Account;
<b>roadside equipment</b>	is equipment that is located on the CityLink road itself for the purpose of detecting vehicles and e-TAG devices and for registering and recording transactions and exceptions. The roadside equipment is located partly on overhead toll gantries that span the road and partly in shelters next to the overhead toll gantries;
<b>sensitive information</b>	means: <ul style="list-style-type: none"> <li>• information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record that is also personal information; or</li> <li>• health information about an individual.</li> </ul>
<b>transaction</b>	is the process that occurs when the ETCS detects a vehicle and scans the e-TAG device in that vehicle. A valid transaction will occur when: <ol style="list-style-type: none"> <li>(a) the roadside equipment correctly reads the e-TAG device;</li> <li>(b) the CityLink Account to which the e-TAG device correlates has a sufficient balance to pay the toll; and</li> <li>(c) there is no other factor that may cause an exception;</li> </ol>
<b>vehicle classification scheme</b>	is CityLink Melbourne's scheme used to classify vehicles into categories for tolling purposes. In summary, the vehicle classification scheme classifies any vehicle as: <ol style="list-style-type: none"> <li>(a) a Motor Cycle;</li> <li>(b) a Car;</li> <li>(c) a Light Commercial Vehicle; or</li> <li>(d) a Heavy Commercial Vehicle.</li> </ol>

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- Translink Operations Pty Ltd
- The Victorian Road Transport Association
- Mr Nigel Waters, consultant, Fair Information Practices
- The Federal Privacy Commissioner