



Privacy Protocol



Police Access to Photographs 2022-2027

Start Date: 15 July 2022

End Date: 15 July 2027

Date of Memorandum of Understanding: 15 July 2022

Photographs: Driver licence, Mobility Parking Scheme Permit, and Photo Card photographs



6 July 2022

Privacy Commissioner

Date Signed

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Background

- A. **Part 3.5 Photographs.** Section 57(1) in Part 3.5 of the *Road Transport Act 2013* limits the release of photographs taken or provided in relation to applications for various licences and permits, including driver licences, other than as permitted under s.57.
- B. **Photo Cards and Mobility Parking Permits.** Photo card and mobility parking permit photographs are not included in Part 3.5 of the *Road Transport Act 2013* but Part 4 of the *Photo Card Act 2005* and Division 5 of Part 7 of the *Road Transport (General) Regulation 2021* contain similar restrictions concerning the release of photo card and mobility parking permit photographs respectively.
- C. **Disclosure of Part 3.5 Photographs.** Sections 57(1)(a) and 57(2) of the *Road Transport Act 2013* permit release of Part 3.5 photographs to the NSWPF, provided that any such release must be in accordance with any protocol approved by the Privacy Commissioner.
- D. **Disclosure of Photo Card Photographs.** Sections 19(1)(a) and 19(2) of the *Photo Card Act 2005* permit release of a photo card photograph to the NSWPF, provided that any such release must be in accordance with any protocol approved by the Privacy Commissioner.
- E. **Disclosure of Mobility Parking Permit Photographs.** Clauses 112(1)(a) and 112(2) of the *Road Transport (General) Regulation 2021* permit release of a mobility parking permit photograph to the NSWPF, provided that any such release must be in accordance with any protocol approved by the Privacy Commissioner.
- F. **Out of Scope Photographs.** The following photographs are out of scope of this Protocol notwithstanding that they are Part 3.5 photographs:
- *Tattoo Parlours Act 2012* licence photographs (TfNSW does not hold copies of these on DRIVES);
 - *Marine Safety Act 1998* licence photographs (TfNSW does not hold copies of these on DRIVES);
 - *Weapons Prohibition Act 1998* permit photographs (TfNSW does not hold discrete photos for these); and
 - *Commercial Agents and Private Inquiry Agents Act 2004* licence photographs (out of scope from the time when they cease to be Part 3.5 Photographs, which is on the commencement of Schedule 2.6 to the *Fair Trading Amendment (Commercial Agents) Act 2016*).
- G. **Privacy Protocol.** This Protocol applies to the NSWPF's access to Part 3.5 photographs, Photo Card photographs and Mobility Parking Permit photographs.

Operative provisions

1. Definitions and interpretation

1.1 (Definitions) In this Protocol, unless the context otherwise requires:

Access Device means a computer (including a laptop computer) or a mobile communication device (for example a smart phone, tablet or phablet).

Authorised User means sworn police officers and those administrative employees employed by the NSWPF authorised in writing by the Commissioner of Police to access Photographs under this Protocol.

Driver licence means a licence (including a conditional licence, a provisional licence and a learner licence) issued in accordance with the *Road Transport (Driver Licensing) Regulation 2017* authorising the holder to drive one or more classes of motor vehicle on a road or road related area.

DRIVES database means the database on which TfNSW holds Part 3.5 photographs, photo card photographs and mobility parking permit photographs.

DRIVES means the TfNSW computer system on which the DRIVES database is stored.

End Date means the end date of this Protocol shown on the front page, being five (5) years after the Start Date.

Major Crime means the commission or attempted commission of any one or more of the following offences:

- | | | | |
|--------|---|--------|---|
| (i) | Homicide; | (x) | Terrorism related offences other than a terrorist act (or threat thereof) under the <i>Terrorism (Police Powers) Act 2002</i> ; |
| (ii) | Child abuse; | | |
| (iii) | Extortion; | | |
| (iv) | Kidnapping/abduction; | (xi) | Violent crime; |
| (v) | Bombings; | (xii) | Drug trafficking/supply/manufacture; |
| (vi) | Money laundering; | | |
| (vii) | Sexual assault; | (xiii) | Fraud; |
| (viii) | Direct/participate in a criminal group; | (xiv) | Robbery whilst armed; |
| (ix) | Arson; | (xv) | Firearms offences; |

- (xvi) Serious Identity- Related Crime; and
- (xvii) Any other crime or incident which is designated as a "major crime" by the Commissioner of Police, or the Commissioner's Delegate (being a member of the NSWPF to whom the Commissioner of Police has delegated his/her functions for the purpose of this Protocol).

Mobility Parking Permit means a mobility parking scheme authority issued by TfNSW under cl.100 of the *Road Transport (General) Regulation 2021*.

MOU means the 2022 Memorandum of Understanding between TfNSW and the NSWPF for the NSWPF's access to Photographs for the Permitted Purpose.

NSWPF means the NSW Police Force established by the *Police Act 1990*.

Part 3.5 photograph means a photograph referred to in s.55 of the *Road Transport Act 2013*.

Permitted Purpose means each of the purposes specified in Schedule 1.

Photo Card means a photo card issued by TfNSW under the *Photo Card Act 2005*.

Photograph means the photographs below in Column 1 (excluding those in Column 2) and includes any information contained in the database for such photographs (for example, metadata and the information recorded on the licence or permit to which the photograph applies):

Column 1 - Included Photos

- Part 3.5 photographs (other than those in Column 2)
- Mobility Parking Permit photographs
- Photo Card photographs

Column 2 - Excluded Photos

- Tattoo Parlour Licence photographs
- Marine Safety Licence photographs
- Weapons Prohibition Act 1998 permit photographs
- Commercial Agents and Private Inquiry Agents Licence photographs (excluded from the time when they cease to be Part 3.5 photographs)

Privacy Commissioner means the NSW Privacy Commissioner appointed under the *Privacy and Personal Information Protection Act 1998* or his or her delegate.

Protocol means this Privacy Protocol, which includes the Schedules to this Protocol and the attachments that are incorporated into this Protocol by reference, as amended from time to time in accordance with the terms of this Protocol.

Security Administrator means the person referred to in clause 6.

Serious Identity-Related Crime means:

- (i) fraud;
- (ii) manufacturing, distributing, possessing or using a false identity related instrument;
- (iii) obtaining financial advantage by deception;
- (iv) money laundering;
- (v) opening and operating a false bank account or credit account;
- (vi) applying for, manufacturing or possessing a false foreign or Australian travel document;
- (vii) compromising financial data equipment such as Automatic Teller Machines (ATMs) and Electronic Funds Transfer (EFTPOS) terminals;
- (viii) public and private sector corruption;
- (ix) the importation, production and manufacture of false identity documents;
- (x) obtaining genuine identity documents with fraudulent details; and
- (xi) the possession or importation of information or equipment to manufacture false identity documents.

Start Date means the date shown on the front page of this Protocol.

Term means the duration of this Protocol (refer to clause 2).

TfNSW means Transport for NSW constituted by the *Transport Administration Act 1988*.

1.2 **(Interpretation)** Except where the context otherwise requires:

- (a) **Actions by an authorised officer.** Where there occurs a reference to the doing of anything by TfNSW or the NSWPF or the Privacy Commissioner, including giving any notice, consent, direction or waiver, this may be done by any of their duly authorised officers.
- (b) **Grammatical forms.** Where a word or phrase is given a defined meaning in this Protocol, any other part of speech or other grammatical form in respect of such word or phrase shall unless the context otherwise requires have a corresponding meaning.

- (c) **Headings.** The headings and index in this Protocol are for convenience only and do not affect the interpretation of this Protocol.
- (d) **Including.** “Including”, “for example” and other similar expressions are not words of limitation.
- (e) **References to legislation.** A reference to a statute, regulation, ordinance or by-law (“Law”) will be deemed to extend to include a reference to all statutes, regulations, ordinances or by-laws amending, consolidating or replacing that Law from time to time.
- (f) **Reconstitution of person or body.** A reference to a person, or body or part of a body which has ceased to exist or has been reconstituted, amalgamated or merged, or other functions of which have become exercisable by any other person or body in its place, shall be taken to refer to the person or body established or constituted in its place by which its said functions have become exercisable.
- (g) **Reasonableness.** Where a person is required to act reasonably in the performance of this Protocol, that shall be read as a requirement to act as would a party in the position of that person which is acting reasonably in its own best interests.
- (h) **References to groups.** A reference to a group of persons is a reference to all of them collectively and to any two or more of them collectively and to each of them individually.
- (i) **References to persons.** Persons will be taken to include any natural or legal person.
- (j) **Time Limits.** Where any time limit pursuant to this Protocol falls on a non-business day then that time limit shall be deemed to have expired on the next business day.

2. Term, Suspension, Termination & Review

- 2.1 **(Term)** This Protocol commences on the Start Date and will end five (5) years later on the End Date.
- 2.2 **(Suspension or Termination by Privacy Commissioner)** The Privacy Commissioner may by written notice suspend the operation of this Protocol for any period or terminate it.
- 2.3 **(Amendment by Privacy Commissioner)** The Privacy Commissioner may amend this Protocol at any time, including by amending the End Date.
- 2.4 **(Notice of Suspension, Termination or Amendment)** The Privacy Commissioner will inform the Secretary of TfNSW and the Commissioner of Police of the NSWPF, in writing at least 3 business days in advance of any suspension, termination or amendment of this Protocol.

- 2.5 **(Optional Review by Privacy Commissioner)** At any time the Privacy Commissioner may (whether at the request of TfNSW or the NSWPF or not) undertake a review of this Protocol in order to consider whether this Protocol should be amended, suspended, or terminated. TfNSW and the NSWPF must provide such assistance and cooperation as the Privacy Commissioner may require.
- 2.6 **(Mandatory Review by Parties)** No later than 12 months before the 5th anniversary of the Start Date, the NSWPF must commence discussions with TfNSW and the Privacy Commissioner in order to conduct a review of this Protocol with a view to extending, terminating or replacing it. The NSWPF is responsible as the lead agency to initiate and manage this.

3. Approval of Protocol and Termination of Old Protocol

- 3.1 **(Approval)** This Protocol is hereby approved by the Privacy Commissioner for the purposes of s.57(2) of the *Road Transport Act 2013* and s.19(2) of the *Photo Card Act 2005* and cl.112(2) of the *Road Transport (General) Regulation 2021*.
- 3.2 **(Termination)** The Privacy Protocol for Police Access to Photographs dated 15 June 2017 is hereby terminated.

4. Permitted Purpose

- 4.1 **(Police Access)** The NSWPF must only seek to access and use the Photographs for a Permitted Purpose specified in Schedule 1.
- 4.2 Voluntary Release of Photographs by TfNSW to the NSWPF:
- (a) **(Release to Report Fraud)** Where TfNSW reasonably believes that it has detected identity fraud or identity theft by a customer, TfNSW may report this to the NSWPF and release the relevant Photographs required to support an investigation or prosecution.
 - (b) **(Reporting Mode)** Reports under this clause are to be made securely and confidentially to the Commander, State Crime Command.
 - (c) **(Exclusions)** The disclosure of Photographs to the NSWPF under warrant, subpoena and court order and the disclosure of a Photograph under s.57(3) of the *Road Transport Act 2013* are not within the scope of this Protocol.
 - (d) **(Application of Protocol)** References in this Protocol to “access” refer to the NSWPF’s access to Photographs, and not the voluntary disclosure of Photographs by TfNSW to NSWPF under this clause 4.2. Other than clauses 1, 2, 3, 12, 13 and 13, provisions in this Protocol generally apply only to the NSWPF’s access to Photographs, and

provisions only apply to TfNSW's voluntary disclosure of Photographs to NSWPF where stated.

5. Access Mode, Scope and Security

- 5.1 **(Online access only)** Photographs must only be accessed online and only by Authorised Users by use of a NSWPF log-in in combination with a password in accordance with TfNSW DRIVES database requirements (refer to clause 7 concerning authorisation).
- 5.2 **(Offline access is out of scope)** Offline access to Photographs is outside the scope of this Protocol and may only occur pursuant to a subpoena, search warrant or as provided for by law.
- 5.3 **(Mode of Access)** The NSWPF's access to DRIVES is permitted only via an Access Device.
- 5.4 **(Read-only access)** DRIVES must allow read-only access for the NSWPF.
- 5.5 **(Viewing Printing and Exporting)** The NSWPF may view, print and export Photographs. Exporting occurs by the NSWPF copying and saving the photograph and storing it securely in accordance with the NSWPF's policies.
- 5.6 **(Passwords)** Authorised Users are required to use a secret password to access DRIVES and Authorised Users are required to change the password no less frequently than every 90 days. The NSWPF must ensure that Authorised Users:
- (a) do not share their passwords; and
 - (b) safeguard the secrecy of their passwords.
- 5.7 **(Security requirements)** The NSWPF must ensure that Photographs accessed cease to display after 5 minutes and require a Permitted Purpose to be re-entered to display the photograph again.
- 5.8 In addition, TfNSW may at any time:
- (a) require the NSWPF to report on measures in place to ensure the security of DRIVES access; and
 - (b) notify the NSWPF of other TfNSW security requirements which the NSWPF must implement in respect of DRIVES access.
- 5.9 **(Breaches)** The failure of Authorised Users to comply with the provisions of this Protocol (and in particular this clause 5) will be actioned by the NSWPF under clause 11.8.

6. Security Administrator

- 6.1 **(Security Administrator)** The NSWPF must appoint a Security Administrator to take day-to-day operational responsibility for ensuring compliance with this Protocol.
- 6.2 **(Appointment)** The Security Administrator at the date of this Protocol is the person referred to in Item 1 of **Schedule 2**. The NSWPF may, by written notice to TfNSW, change its Security Administrator.
- 6.3 **(Seniority)** The Security Administrator must hold a position of authority within the NSWPF over each Authorised User either generally or in respect of their access to DRIVES.

7. Authorised Users

- 7.1 **(Limited Access)** Only Authorised Users within the NSWPF are authorised to access Photographs under this Protocol.
- 7.2 **(Qualifications)** The NSWPF must ensure that its Authorised Users are members of its staff, are subject to the NSWPF's code of conduct and have been informed of the limitations and security requirements of this Protocol.
- 7.3 **(Authorised Users List)** The NSWPF must maintain a current list of Authorised Users with the following information for each person:
- (a) name; and
 - (b) staff number (or equivalent identification).
- 7.4 **(Cancellation)** TfNSW may in its absolute discretion for any reason cancel or suspend a person's status as an Authorised User.

The NSWPF must immediately notify TfNSW if for any reason an Authorised User no longer requires DRIVES access through a dedicated DRIVES computer terminal provided to the NSWPF by TfNSW.

The NSWPF may at any time request TfNSW to remove a person as an Authorised User.

- 7.5 **(Review of Authorised Users)** At any time TfNSW may require the NSWPF to review its Authorised Users list and to confirm that all existing Authorised Users are active and still require access to Photographs.

8. Access Log

- 8.1 **(Authorised User's Access Record)** Every access to DRIVES by must be supported by a contemporaneously-made record in an Access Log which records the information shown in the table in clause 8.5.

- 8.2 **(Access Log Medium & Format)** The NSWPF’s DRIVES access log must be in a medium and format that is reasonably auditable by third parties.
- 8.3 **(Logging Failures)** If the NSWPF or TfNSW become aware of any failures of their logging capabilities they will immediately refer the matter and details to the other and to the Privacy Commissioner for any further action deemed appropriate.
- 8.4 **(Access Reason)** A reason for access, which corresponds with a Permitted Purpose, must be recorded for each Photograph accessed. The reason for access must provide sufficient detail in order for the person carrying out an audit to assess whether access was for a Permitted Purpose under this Protocol.
- 8.5 **(Logged Details)**

	NSWPF Log	TfNSW DRIVES Log
NSWPF Staff Number of Authorised User	✓	✓
Agency Code	✗	✓
Date & Time of Access	✓	✓
Name or File Number of Case	✓	✗
DRIVES Screen ID Code	✗	✓
Reason for Access	✓	✗
TfNSW Customer Number	✗	✓
TfNSW Photograph Transaction Number (Action ID)	✗	✓
Information accessed	✓	✓

9. Audit of NSWPF access to Photographs

- 9.1 **(Audits)** The NSWPF is responsible for conducting audits in accordance with the NSWPF’s “COPS, Transport for NSW (TfNSW) DRIVES Database, DRIVES Photos, Internet and Email Audit Guidelines” to ensure that its access to Photographs is in accordance with this Protocol. The NSWPF will notify the Privacy Commissioner and TfNSW of any changes to the audit procedures in respect of access to DRIVES photographs.
- 9.2 **(Audit frequency)** Audits must be conducted not less than once per financial year. The time for service of audit reports is shown in **Schedule 2**.

9.3 **(Special Audits)** In addition, at any time TfNSW or the Privacy Commissioner may require the NSWPF to undertake a special audit in respect of any nominated period or accesses and to provide an audit report to TfNSW or the Privacy Commissioner respectively within such time as TfNSW or the Privacy Commissioner reasonably nominates.

9.4 **(Audit requirements)** Audits must be carried out in accordance with any requirements notified by the Privacy Commissioner and any reasonably notified by TfNSW. If a new requirement might constitute a significant imposition or major change then prior consultation should occur.

9.5 **(Audit report requirements)** Audits must review a reasonable number of Photograph accesses made under this Protocol and the results must be recorded in a written audit report which specifies:

- (a) the total number of accesses to Photographs;
- (b) the number of accesses to Photographs for each of the Permitted Purposes;
- (c) the total number of Photograph accesses audited, being a reasonable and statistically robust number in light of the total number of accesses to Photographs;
- (d) the total number of Photographs that were not accessed for a Permitted Purpose;
- (e) the remedial and other action taken by the NSWPF in relation to each occasion that a Photograph was not accessed for a Permitted Purpose;
- (f) whether there was any evidence that Authorised Users have (whether intentionally or not) shared their password or not protected the secrecy of their password and, if so, details of the alleged disclosures and action taken in relation thereto;
- (g) that all Authorised Users who have access to DRIVES through a dedicated DRIVES computer terminal provided to the NSWPF by TfNSW, still require access to Photographs in DRIVES through the dedicated DRIVES computer terminal and if not, which Authorised Users no longer require such access; and
- (h) whether any complaints were made to the NSWPF in relation to the access, use of, or disclosure of Photographs, and the status or outcome of the investigation of these complaints.

[NOTE: where an audit reveals any non-compliance with the requirements of this Protocol this is to be actioned in accordance with clause 12 below.]

9.6 **(Audit report distribution)** The results of each audit must be provided to the Privacy Commissioner and also to the appropriate officer within the NSWPF and TfNSW as noted in Item 1 of **Schedule 2** in the form of a written audit report.

The address and time for service of audit reports are shown in **Schedule 2**.

- 9.7 **(TfNSW Audit and Risk Committee)** TfNSW must provide a copy of each audit report to its Audit and Risk Committee.
- 9.8 **(TfNSW Annual Report)** TfNSW's annual report must report on the most recent audit report.

10. Audit of TfNSW disclosure of Photographs to NSWPF

- 10.1 **(Audits)** TfNSW must conduct audits in respect of the voluntary disclosure of Photographs by TfNSW to the NSWPF under clause 4.2.
- 10.2 **(Audit frequency)** Audits must be conducted not less than once per financial year. The time for service of audit reports is shown in **Schedule 2**.
- 10.3 **(Special Audits)** In addition, at any time, the Privacy Commissioner may require TfNSW to undertake a special audit in respect of any nominated period or accesses and to provide an audit report within such time as TfNSW or the Privacy Commissioner reasonably nominates.
- 10.4 **(Audit requirements)** Audits must be carried out in accordance with any requirements notified by the Privacy Commissioner. If a new requirement might constitute a significant imposition or major change then prior consultation should occur.
- 10.5 **(Audit report requirements)** Audits must review a reasonable number of Photographs voluntarily disclosed by TfNSW to NSWPF in accordance with clause 4.2 of this Protocol and the results must be recorded in a written audit report which specifies:
- (a) the total number of Photographs disclosed by TfNSW to the NSWPF in accordance with clause 4.2;
 - (b) the number of Photograph disclosures audited, being a reasonable and statistically robust number in light of the total number of Photographs disclosed;
 - (c) the total number of Photographs voluntarily disclosed by TfNSW to the NSWPF that were not disclosed in accordance with clause 4.2 of this Protocol;
 - (d) the action taken by TfNSW in relation to each disclosure of a Photograph that was not disclosed in accordance with this Protocol;
 - (e) the number of complaints received by TfNSW regarding the voluntary disclosure by TfNSW of Photographs to the NSWPF; and
 - (f) the action taken by TfNSW regarding each complaint to which paragraph (e) refers.

[NOTE: where an audit reveals any non-compliance with the requirements of this Protocol this is to be actioned in accordance with clause 12 below.]

- 10.6 **(Audit report distribution)** The results of each audit must be provided to the Privacy Commissioner and also to the appropriate officer within the NSWPF and TfNSW as noted in Item 1 of **Schedule 2** in the form of a written audit report.

The address and time for service of audit reports are shown in **Schedule 2**.

- 10.7 **(TfNSW Audit and Risk Committee)** TfNSW must provide a copy of each audit report to its Audit and Risk Committee.
- 10.8 **(TfNSW Annual Report)** TfNSW's annual report must report on the most recent audit report.

11. Material Non-Compliance

- 11.1 **(Notice of Breaches)** If TfNSW or the NSWPF or the Privacy Commissioner is aware of any material non-compliance with the terms of this Protocol (whether its own or not) it must give written notice to the others.
- 11.2 **(TfNSW to notify Audit and Risk Committee)** TfNSW must also report any material non-compliance with the terms of this Protocol to its Audit and Risk Committee.
- 11.3 **(The NSWPF to notify its Commissioner's Executive Team)** The NSWPF must also report any material non-compliance with the terms of this Protocol to its Commissioner's Executive Team (CET).
- 11.4 **(Details of breaches)** When material non-compliance with this Protocol is notified TfNSW and the NSWPF must provide such information as may reasonably be required by the other party or the Privacy Commissioner in relation to the material non-compliance (including proposed rectification, mitigation and steps to be taken to prevent any re-occurrence).
- 11.5 **(Customer notification)** Where the material non-compliance involves a Photograph being accessed or used for a purpose other than a Permitted Purpose, the parties must explain to the Privacy Commissioner whether or not it is proposed to inform the relevant TfNSW customer of this and of their right under s.53 of the *Privacy and Personal Information Protection Act 1998* to apply for an internal review of the relevant conduct.
- 11.6 **(Suspension)** In the event of any material non-compliance with the terms of this Protocol TfNSW may by written notice to NSWPF suspend NSWPF's access, or require the NSWPF to suspend the access of any particular Authorised User, until the issue is resolved to TfNSW's satisfaction.

[NOTE: Under clause 2 the Privacy Commissioner can amend, suspend or terminate this Protocol (which will suspend or terminate access)]

- 11.7 **(Directions by Privacy Commissioner)** The Privacy Commissioner may issue directions to the parties as to how to address the material non-compliance. The Privacy Commissioner

must consult with the parties when issuing recommendations to ensure the recommended actions will not prejudice any the investigation or enforcement of any offence or national security.

- 11.8 **(Staff Disciplinary Action)** The NSWPF will initiate appropriate disciplinary action against its staff who, in accessing DRIVES, breach this Protocol.

12. Privacy Complaints

- 12.1 **(Notice of privacy complaints)** Privacy complaints in relation to the NSWPF's access to Photographs may be made to TfNSW, the Privacy Commissioner or to the NSWPF at the discretion of the complainant. The address for service of privacy complaints is shown in Item 2 of **Schedule 2**.

- 12.2 **(Complaints to TfNSW)** Where a privacy complaint is received by TfNSW it must:

- (a) inform the Privacy Commissioner; and
- (b) comply with the Review of Conduct provisions of the *Privacy and Personal Information Protection Act 1998*.

- 12.3 **(Complaints to the NSWPF)** Where a privacy complaint is made directly to the NSWPF, it must:

- (a) inform the Privacy Commissioner;
- (b) comply with the Review of Conduct provisions of the *Privacy and Personal Information Protection Act 1998*; and
- (c) seek, if required by law, the complainant's consent to advise TfNSW of the complaint, and, upon receiving that consent, inform TfNSW of the details of the complaint.

- 12.4 **(The NSWPF to co-operate in complaint-handling)** The NSWPF must, if requested by TfNSW or the Privacy Commissioner, assist in the investigation of any privacy complaint. On receipt of such a request, the NSWPF must:

- (a) assist TfNSW or the Privacy Commissioner in the investigation of the complaint, including by conducting relevant enquiries; and
- (b) within one month provide to TfNSW a report together with such other information and assistance as TfNSW may reasonably require for TfNSW to properly deal with the complaint having regard to all the facts and circumstances including not jeopardising any law enforcement activity. If within one month the NSWPF has not been able to complete all of its enquiries, the NSWPF will provide to TfNSW an interim report

(including an update on the status of its enquiries) and will use best endeavours to complete its enquiries and provide to TfNSW a final report as soon as possible.

If the NSWPF fails to do so then TfNSW must advise the Privacy Commissioner.

- 12.5 **(Notification of complaints to Privacy Commissioner)** When a privacy complaint is received in relation to this Protocol the Privacy Commissioner must be notified as soon as is practicable and kept informed throughout the complaint handling process.
- 12.6 **(Suspension)** TfNSW may by written notice to NSWPF require the NSWPF to suspend the access of a particular Authorised User, while a privacy complaint is resolved.

13. Contact Addresses and Service of Notices

- 13.1 **(Notice requirements)** A notice under this Protocol must be in writing and forwarded to the address, email address or facsimile number of that party's representative as specified in **Schedule 2** or the address last notified to the sender by that party.
- 13.2 **(Routine correspondence)** Routine operational or business-as-usual correspondence should be addressed as shown in Item 1 of **Schedule 2**.
- 13.3 **(Service of Audit Report)** Audit Reports should be served as shown in Item 1 of **Schedule 2**.
- 13.4 **(Privacy complaint notices)** Notices of privacy complaints should be served as shown in Item 2 of **Schedule 2**.
- 13.5 **(Service of legal notices)** Legal notices should be served as shown in Item 3 of **Schedule 2**.

SCHEDULE 1

1 Identification

- (a) To verify whether a person holds a current:
 - (i) Driver Licence; or
 - (ii) Mobility Parking Permit.
- (b) To verify whether any of the following produced by a person is genuine and/or has been issued to the person producing it:
 - (i) Driver Licence;
 - (ii) Photo Card; or
 - (iii) Mobility Parking Permit.
- (c) To ascertain or verify the identity or appearance of a person where there is a reasonable cause to suspect the commission of an offence.

2 Major Crime Offences & Counter Terrorism

In connection with the investigation and prosecution of:

- (a) a Major Crime; or
- (b) A terrorist act within the meaning of the *Terrorism (Police Powers) Act 2002* or the threat or a terrorist act.

3 Missing Persons

In connection with an investigation of the whereabouts of a person who has been reported to the NSWPF as a missing person

SCHEDULE 2

(1) Audit Reports and Operational Issues - Address for Service

TfNSW	The NSWPF	Privacy Commissioner
Team Leader, DRIVES Assurance Safety, Environment and Regulation Transport for NSW <div style="border: 1px solid black; padding: 5px; display: flex; justify-content: space-between;"> Level 6, 99 Phillip Street Parramatta, NSW, 2150 PO Box 3035 Parramatta, NSW, 2124 </div> Email: [REDACTED] [REDACTED]	Deputy Commissioner, Investigations & Counter Terrorism NSW Police Force Locked Bag 5102 Parramatta, NSW, 2124 ‡ Note: this role is also the Security Administrator (see clause 6)	Information & Privacy Commission NSW GPO Box 7011 Sydney, NSW, 2001 Tel: 1800 472 679 Email: jpcinfo@ipc.nsw.gov.au

(2) Privacy Complaints – Address for Service

TfNSW	The NSWPF	Privacy Commissioner
Privacy Officer Legal, Privacy and Internal Audit Transport for NSW PO Box K659 Haymarket, NSW, 1240 Email: [REDACTED]	General Counsel, Office of the General Counsel NSW Police Force Locked Bag 5102 Parramatta, NSW, 2124 Phone: [REDACTED] Email: [REDACTED]	As above

(3) Legal Notices - Address for Service

TfNSW	The NSWPF	Privacy Commissioner
Chief Legal Officer Transport for NSW PO Box K659 Haymarket, NSW, 1240 Copy to: Team Leader, DRIVES Assurance Safety, Environment and Regulation Transport for NSW PO Box 3035, Parramatta, NSW, 2124	Deputy Commissioner, Investigations & Counter Terrorism NSW Police Force Locked Bag 5102 Parramatta, NSW, 2124	As above

(4) Audit Reports - Due Dates

<ul style="list-style-type: none"> ● Yearly Reports: 30 September 	<ul style="list-style-type: none"> ● Special Audits: as directed by TfNSW or the Privacy Commissioner
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