

# Permission Access Agreement

These terms explain how information about Rail Industry Workers (**RIWs**) may be collected and used for the RIW Program.

Please take the time to read the following information carefully.

## What is the purpose of the RIW Program?

The RIW Program provides an online competency and safety management system for Australian rail workers and operators. It is owned and endorsed by the Australasian Railway Association (**ARA**) and operated by Metro Trains Australia Pty Ltd.

## What personal information may be collected about me?

Information collected for the RIW Program may include: name, gender, photo, date of birth, address, contact details, identification information (e.g. signatures, driver's licence), health information (e.g. fitness for work assessments, medical records, and results of drug and alcohol tests), competency information (e.g. skills, credentials, registrations, qualifications and your universal student identifier), right to work details (e.g. visas and passports), work roles, site attendance timestamps, employment history, emergency contact and other personal information as required for the RIW Program. If this information is not collected, there may be implications for rail operators and other organisations that are authorised participants in the RIW Program (**RIW Participants**) under their compliance frameworks.

This information will be collected by Metro Trains Australia Pty Ltd (**MTA**) – as the operator of the RIW Program – when the information is entered onto the RIW System. Information may be entered into the RIW System by you, your employer, by an authorised user where you are visiting that authorised user's site, an Authorised Health Professional, Registered Training Organisation, or by one of MTA's RIW Service Desk team members on the instructions of an authorised user.

MTA has also collected relevant personal information that was originally held by the previous operator of the RIW System, where that information is required for operation of the RIW Program. If you used the RIW System before 28 June 2019, then your information may be stored in the RIW System and will continue to be treated in accordance with this agreement, MTA's Privacy Policy for the RIW Program and the Privacy Laws (as defined below) until it is deleted under our data retention policies.

We may, on behalf of RIW Participants, also conduct surveys through the RIW System and on the RIW website and associated mobile applications to collect certain social and diversity data (e.g. data about your gender, age, date of birth, whether you are currently completing an apprenticeship or traineeship, whether or not you identify as Aboriginal or Torres Strait Islander or were born overseas) as required for those RIW Participants to comply with workforce participation and diversity reporting requirements imposed by various government agencies.

## How is health information collected and managed for the RIW Program?

Health information about you – which may include fitness for work assessments, medical records, and results of drug and alcohol tests – may be entered on the RIW System by an Authorised Health Professional (**AHP**) or your employer where you have given them your consent to do so, or by an automated Blood Alcohol Concentration Testing Unit integrated with the RIW System. This may include work restrictions e.g. requirements to wear prescription lenses and so on.

AHPs will have access to your information on the RIW System for the purpose of assessing your health and fitness for work, as required for the RIW Program. Where a Rail Transport Operator engages the services of a Chief Medical Officer (**CMO**), the CMO will also access your information on the RIW System for the same purposes as an AHP and to monitor compliance by AHPs with the requirements of the National Health Standard and RIW Program.

If you give your employer permission to upload health information about you to the RIW System, your employer may access that information on the RIW System. However, apart from access by your employer, an RIW Participant that you are associated with or AHPs, that information will otherwise not be available to any other users of the RIW System.

### **How will my personal information be used?**

MTA may use and disclose information stored on the RIW System to process RIW card applications and to administer the RIW Program.

RIW Participants may access the RIW System to search for RIWs, check and update RIWs details, and access additional details about RIWs who they employ or are otherwise associated with. Where you are employed or associated with an RIW Participant on the RIW System, you will be notified and provided with an opportunity to opt out of sharing of this information with the RIW Participant. The opt out notice will be sent to your email address registered in the RIW System. The principal contractor who is responsible for a worksite that you attend will also have access to your information stored on the RIW System.

RIW Participants may collect, use or disclose RIW information about that Rail Industry Worker to the extent necessary for the purposes of:

- (a) processing RIW card applications;
- (b) safety, workforce and worksite planning, procuring resources, training and reporting for the RIW Participant;
- (c) competency and safety management;
- (d) breach management;
- (e) managing any safety related regulatory claims, investigations or issues;
- (f) for universal student identifiers, to verify information such as your qualifications; or
- (f) enabling other entities that are used by RIW Participants to verify competencies for pre-qualification of suppliers and workforce management.

The RIW Participant may only otherwise collect, use or disclose the RIW information where:

- (g) required by law, such as rail safety, work/occupational health and safety and other relevant laws (including for investigations or prosecutions) and to comply with workforce participation and diversity reporting requirements;
- (h) the RIW Participant reasonably believes that use or disclosure is necessary to prevent or lessen a serious and imminent threat to a person's life or health; or
- (i) the Rail Industry Worker gives further clear consent to the RIW Participant.

Network operators may access information on the RIW System for the purpose of reviewing RIWs who hold a rail corridor access job role for the network operator.

As set out above, AHPs and CMOs may access information on the RIW System for the purposes of conducting health and fitness for work assessments, and to monitor compliance with the requirements of the National Health Standard and RIW Program.

RIW information may be shared directly through the RIW System or by another technical method, such as via a Secure File Transfer Protocol or via an API link that integrates with the RIW System.

Your personal information may be disclosed to MTA's third party service providers and advisors who assist MTA to manage and provide the services in relation to the RIW Program. These third party service providers may include MTA's third party service providers overseas, including in the UK and some other countries (for overseas identification verification services and limited support purposes) where they are not subject to similar laws to the *Privacy Act 1988 (Cth)* and, where applicable, State and Territory privacy laws (**Privacy Laws**). However, where your personal information is disclosed to MTA's third party service providers who are located overseas, MTA will also take reasonable steps to ensure that the personal information is handled by the overseas recipient in accordance with the Privacy Laws and MTA's instructions for the purposes described above.

**By accepting these terms, I agree:**

1. To provide accurate and complete information to support my application for and use of the RIW card when undertaking an approved role.
2. To the collection, use and disclosure of my personal information, and to the use and disclosure of government related identifiers (including my universal student identifier) for the RIW Program as described above, and otherwise in accordance with MTA's Privacy Policy for the RIW Program (a copy of which is available <https://www.riw.net.au/privacy-policy>).
3. To the disclosure of my personal information (including health information) to RIW Participants, including those I am associated with or become associated with in accordance with the processes set out above, and the use of that personal information by those RIW Participants, for the RIW Program as described above, and otherwise in accordance with MTA's Privacy Policy for the RIW Program.
4. To the disclosure of information stored on the RIW System to transport safety regulators and other regulatory bodies as required to comply with applicable laws (including rail safety, work/occupational health and safety and other relevant laws) and regulatory requirements.
5. That I need an active and current RIW record and approved RIW card to access worksites operated by RIW Participants where the RIW Program is applied to that worksite.
6. That I have obtained the permission of my emergency contact to provide my information for this purpose.
7. Where MTA identifies that services provided through the RIW System are delivered by a third party (e.g. identity verification or competency training services), to the disclosure of your information to the relevant third party for the purposes of delivering those services to you.

**On receipt of my RIW card, what should I do?**

- Ensure that all information on the RIW card, including my name and photo is accurate.
- Inform my Employer or the RIW Service Desk if the information is inaccurate.

**What responsibilities do I have once I accept these terms?**

- Notify my employer of any changes which may affect the accuracy of the information on the RIW System, so that they can update the information on the RIW System if needed.
- Comply with all applicable work procedures and requirements set by law or by a relevant RIW Participant, including all requirements relating to fatigue management, drug and alcohol use, and health and fitness.
- Not misuse, nor tamper, disfigure or otherwise inappropriately handle or store my RIW card. RIW Participants have the right to determine appropriate action(s) if this occurs.
- Not give or loan my RIW card to any other person for any reason whatsoever.
- Carry the RIW card with me whenever on, near, or within proximity of the rail corridor and show/produce my RIW card when asked.
- Carry any other identification cards as required under rules specific to a transport or other regulator, an RIW Participant, or an entity responsible for a specific rail project, whenever undertaking an approved role.
- Return my RIW card if requested to do so by MTA or a RIW Participant.

**Declaration**

I agree to these terms as a condition of my participation in the RIW Program. I understand that a RIW Participant, or MTA as the operator of the RIW Program, may suspend or block my RIW card if I fail to comply with these terms or a policy or procedure of a RIW Participant.

I agree to these terms and conditions