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## About this policy

The purpose of this privacy policy is to outline the practices adopted by the Queen Victoria Market Pty Ltd (QVM) for the management of personal information. It is designed to give individuals an understanding of the types of personal information QVM collects, and how it is used, stored, disclosed and able to be accessed.

The policy also outlines how individuals can correct their personal information which is held by QVM, how to make a complaint about a breach of privacy, and how complaints will be handled.

Individuals who wish to contact QVM about information privacy or their personal information can do so by contacting Adam Boersch – Privacy Officer at:

Email: [Adam.Boersch@qvm.com.au](mailto:Adam.Boersch@qvm.com.au)

Telephone: 0417 131 881

Mail: PO Box 12415, A'Beckett Street, Melbourne VIC 8006

QVM is required to make this policy freely available and in an appropriate form, and accordingly it is able to be accessed on our public website at [www.qvm.com.au](http://www.qvm.com.au). Individuals who would like to request a copy of this policy in an alternate form, for example suitable for the vision impaired, or individuals from a non-English speaking background, may do so by contacting our Privacy Officer, and reasonable steps in the circumstances will be taken to provide the policy in an appropriate form.

## ***Privacy Act 1988 (Cth)***

QVM is required to meet certain obligations under the Commonwealth *Privacy Act 1988* (the Act), and is bound by the Australian Privacy Principles (APPs). The Act governs how QVM collects, uses, stores and discloses the personal information of individuals, and how they may access or correct their information.

When used in this privacy policy, the term “personal information” has the meaning given to that term by the Act. That is, personal information is “information or an opinion about an individual, whether true or not, which could reasonably lead to the identification of the individual in the particular circumstances”.

Personal information can include name or address details, dates of birth, telephone numbers, email addresses, financial information such as banking details, or photographic or video material. An individual’s name does not have to be included in information for it to constitute personal information. The test is whether the information considered as a whole would enable the individual to be identified.

A special category of personal information is known as “sensitive information”, and can include information about race or ethnicity, political opinions or membership, religious or philosophical beliefs, professional or trade association or union membership, sexual preferences or practices, criminal records, health information and genetic/biometric information such as fingerprints. There are additional obligations for the management of sensitive information required by the Act.



## **What types of personal information does QVM collect?**

The types of personal information that QVM collects from individuals depends on the products, services or information that QVM is requested to provide to the individual and the dealings the individual has with QVM.

QVM collects the personal information of applicants for employment with QVM, members of the public, customers, suppliers, traders, stallholders, and tenants. The type of personal information collected will depend on the nature of the individual's relationship or interaction with QVM and its staff. QVM will only collect personal information where it is reasonably necessary for, or directly related to, one or more of its functions or activities.

Personal information collected can include names, dates of birth, gender details, financial and banking details, and address/contact details including email addresses. Personal and business details of suppliers, traders, stallholders and tenants are also collected.

If you visit QVM then information including your image and likeness may be recorded by QVM using the CCTV system maintained and operated by QVM.

Additional personal information concerning applicants for employment with QVM which is collected can include job applications, work histories, curriculum vitae, details of salary and wages, training records, performance assessments, counselling details and personnel records. Sensitive information is sometimes collected when appropriate, such as criminal record check details for recruitment and employment purposes.

Information about current employees of QVM is held in accordance with QVM's obligations under the *Fair Work Act 2009* (Cth).

Health information collected can include incident and accident reports, first aid records, workers compensation claims and documents, rehabilitation and attendance records, medical or other health service provider records, medical histories and other assessments for insurance or employment purposes. Information about third parties is sometimes collected in the context of insurance claims.

QVM does not collect or store any cardholder account data. Any purchases made by an individual from QVM using QVM's website are processed by a third party provider utilising secure credit card facilities.

## **How does QVM collect personal information?**

QVM collects personal information by way of several channels or methods.

In most cases QVM collects information directly from individuals, however where information about you is collected from another person or organisation, it is dealt with according to the requirements of the Privacy Act.

Generally, QVM only collects information using lawful and fair means and only when required to carry out QVM's functions or activities.



QVM generally collects personal information when individuals telephone QVM or interact verbally, or make contact by mail or email. Personal information is also collected by QVM when individuals access QVM's website, make a purchase off QVM's website, and when individuals complete and submit forms to QVM via QVM's website.

Personal information can be collected by QVM when individuals use QVM's online feedback service, or make enquiries or complaints. It is collected when applications for bookings are made with QVM, for example for a stall at the market or to arrange a tour, whether these applications have been requested by QVM or not, and whether they are successful or not.

QVM's website uses "Cookies" which collect user information and data for statistical and analytic purposes.

We also use a CCTV system for security monitoring purposes.

Personal and business details of suppliers, traders, stallholders and tenants are collected when they interact with QVM, so that appropriate financial and business records can be maintained. Personal information of job applicants is also collected during the application process (whether or not it is successful), which may also include sensitive information. Health information can be collected when circumstances require that first aid be administered, for administering sick leave or carers leave, or where injury or insurance claims arise.

When personal information is collected, QVM takes reasonable steps in the circumstances to notify the individual (either at or before the time of collection, or as soon as practicable thereafter) or make them aware of certain matters. These "collection statements" are included on all forms that QVM uses to collect personal information, displayed on our website at the point of collection, or relayed via telephone when individuals provide their personal information to us.

QVM must notify you of its identity and contact details, where and in what circumstances your personal information may be collected from another source, whether the collection is required or authorised by law or a Court/Tribunal order, the purposes for which it is collected, the main consequences if some or all of the information is not collected, and to whom the personal information is usually disclosed. QVM must also inform you that its Privacy Policy contains information about how to access and seek correction of personal information, how to make a complaint about a privacy breach, and how complaints will be handled. You must also be informed whether your personal information is likely to be disclosed to overseas recipients, and if it is practicable to do so in which countries they are located.

### **Dealing with QVM on an anonymous or pseudonymous basis**

In accordance with the Act, individuals have the option of not identifying themselves, or of using a pseudonym, when dealing with QVM in relation to a particular matter.

However, the foregoing will not apply if, in relation to the particular matter, QVM is required or authorised by or under an Australian law, or a court or tribunal order, to deal with individuals who have identified themselves, or it is impracticable for QVM to deal with individuals who have not identified themselves or who have used a pseudonym.

For example, if you are shopping for groceries online with us, or making a booking for a tour with us, or you are applying to book a stall at the market, QVM will require your personal information in order to make and administer the booking.



Additionally, QVM may require you to provide personal information to QVM in order for QVM to investigate a complaint as to how QVM has handled the privacy of your personal information.

QVM reserves the right to request information from an individual who is making a request to access to or correct personal information held about the individual, in order to protect the privacy of all individuals and to ensure that information is not inadvertently disclosed.

### **How does QVM use personal information?**

When QVM holds your personal information, it can only be used for the particular purpose for which it was collected (known as the “primary purpose”), unless certain exceptions apply. Personal information can be used for secondary or other purposes where consent has been obtained, where it is reasonably expected to be used for a related purpose, where required or authorised by law or a Court/Tribunal order, where reasonably necessary for enforcement purposes conducted by or on behalf of an enforcement body, or where certain “permitted general situations” exist.

Permitted general situations are where circumstances exist involving serious threats to life, health or safety of any individual, or to public health or safety, suspected unlawful activity or serious misconduct, missing persons, legal or equitable claims and alternative dispute resolution processes.

QVM will take reasonable steps to make you aware of the purpose(s) for which the personal information collected from you may be used at or before the time of collection.

QVM may use the personal information (including sensitive information, if any) collected about an individual for one or more of the following purposes:

- to enable QVM to fulfil customer requests;
- to enable QVM to assess an application for a stall;
- to enable QVM to administer licences granted to stallholders;
- to assist QVM in obtaining references for prospective stallholders and tenants;
- to assist QVM in investigating possible infringement of trade marks and the offering for sale and the sale of counterfeit goods;
- to process transactions and to administer accounts;
- to enable QVM to maintain its account and records;
- to enable QVM to undertake statistical analysis, conduct market research and marketing activities;
- to assess and evaluate the use of QVM’s website;
- to address queries and to resolve complaints about QVM or about any of the stallholders at QVM;
- to handle and to assess applications for employment with QVM (which may include seeking and obtaining national police checks and other forms of employment screening);
- to complete, manage and administer tour bookings, function and event bookings, and competitions;
- to assist QVM in obtaining professional and legal services, in order to defend claims brought against QVM and to enable QVM to pursue claims against third parties;
- to improve QVM’s services, its website, its other means of communicating with current and prospective customers, stallholders, users of QVM’s services and other stakeholders.



QVM may also use the information it collects to assist in QVM complying with its regulatory and statutory obligations in relation to the products and services that QVM makes available and provides to customers, to stallholders and to the general public.

QVM may use personal information, including personal information derived from CCTV footage it has recorded, for security and risk management purposes including incident investigation, loss prevention, claims management and litigation. QVM may also use information derived from CCTV footage (including, for example, data regarding customer behaviour trends, foot traffic patterns, visitor demographics and browsing habits) to facilitate QVM's marketing initiatives.

### **How does QVM collect and hold personal information?**

Collection of personal information: When we collect personal information about you, we do so by making a record of it.

We do this when:

You register with us, for example to create an account, to become a member of one of our clubs or loyalty programs or to send you information;

- You communicate with us online;
- You take part in our promotions, competitions, testimonials and surveys;
- You deal with us in other ways involving a need for personal information to be provided such as contacting us by telephone, submitting a question or bring a claim against us. We may also collect personal information about you by accessing data from other sources and then analysing that data together with the information we already hold about you in order to learn more about your likely preferences and interests. When you visit our websites, purchase from our online store, visit our social media pages or mobile applications or click on our advertisements on the online media of other companies, we may collect information about you using technology which is not apparent to you, for example "cookies". Most of the personal information we collect and hold about you is from your direct dealings with us. We may sometimes collect your personal information other than from you directly. For example from other suppliers who, in common with us, have a relationship with you. Personal information we hold is generally stored in computer systems. These may be operated by us or by our service providers. In all cases, we have rigorous information security requirements aimed at eliminating risks of unauthorised access to, and loss, misuse or wrongful alteration of, personal information.

### **When does QVM disclose personal information, and who can access it?**

In most circumstances, QVM is restricted in how it may disclose your personal information. Personal information can only be disclosed for the particular purpose for which it was collected (known as the "primary purpose"), unless certain exceptions apply. Personal information can be disclosed for secondary or other purposes where we have consent to do so, where it is reasonably expected to be disclosed for a related purpose, where required or authorised by law or a Court/Tribunal order, where reasonably necessary for enforcement purposes conducted by or on behalf of an enforcement body, or where "permitted general situations" as described above exist.

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Generally, QVM will only disclose personal information collected from and about individuals to third parties on an as-needs basis and only in order to facilitate the fulfilment of one or more purposes for which the information was collected, or any secondary purpose related to the primary purpose for which QVM is permitted to disclose such information by law.

Circumstances where personal information (including sensitive information) may be disclosed broadly include compliance with statutory obligations, arranging for insurance, progressing insurance claims and meeting occupational health and safety obligations.

QVM may disclose personal information of members of the public, customers, suppliers, traders, stallholders, and tenants provided during booking processes for the purposes of fulfilling customer requests, providing personalised services, maintaining accounts and records, statistical analysis, conducting market research and marketing, and assessing and evaluating the use of our website.

Personal information may also be disclosed for stall application assessment, administration of licences, and in some circumstances in obtaining references for future tenancies. Other circumstances where it may be disclosed include complaint management, tour bookings, function and event bookings, competitions, security purposes, and administration of job applications and employment, which may include criminal record checking and employment screening. Personal information may also be disclosed by QVM in obtaining legal advice, and participating in legal proceedings.

Personal information may be given to government agencies and other individuals/organisations including Victoria Police, the Department of Justice, WorkSafe Victoria, loss adjusters, security companies, insurance companies and health service providers. It will only be disclosed to third parties where permitted by the Act, and only disclosed to QVM staff where necessary for the performance of their duties and where they are authorised to access it.

Where QVM engages third parties to provide products and/or services to QVM or to customers for QVM's products and/or services on QVM's behalf, QVM may disclose to those third parties or those third parties may be granted access to personal information (including sensitive information) QVM holds about individuals. QVM generally does not authorise those third parties to use any personal information for any purpose other than to facilitate the completion of their obligations they owe to QVM.

Without limiting the foregoing, QVM may disclose individuals' personal information to QVM's advisers, including (but not limited to) auditors, financial services and insurance companies, and to QVM's professional advisers (such as QVM's legal and accounting advisers) for them to complete their obligations owed to QVM under agreements that QVM has entered into for the purpose of undertaking or furthering its business operations and activities.

In addition, QVM may disclose de-identified statistics regarding the users of QVM's services to reputable third parties and to Government agencies primarily for the purpose of assisting QVM to improve its service offering and to meet QVM's statutory obligations.



## Direct Marketing

QVM may use or disclose personal information (other than sensitive information) for direct marketing purposes where it has collected the information directly from the individual, the individual would reasonably expect the information to be used for that purpose, where a simple means for the individual to opt out of direct marketing communications has been provided and where the individual has not done so.

Direct marketing can also occur where QVM has consent to use personal information for that purpose, whether or not the information was collected from the individual, where a simple means for the individual to opt out of direct marketing communications has been provided with each direct marketing communication and where the individual has not done so.

QVM can use sensitive information for direct marketing communications where consent to do so has been obtained.

When QVM uses personal information for direct marketing purposes or to facilitate direct marketing by another organisation, the individual may request not to receive marketing communications, request that QVM not use or disclose their personal information to facilitate direct marketing by another organisation, and request that QVM inform the individual of the source of their personal information where practicable or reasonable (or inform the individual that it cannot do so).

QVM cannot charge an individual for dealing with a request not to receive direct marketing communication, that their information not be disclosed to another marketing organisation, or to provide its source of information. It must deal with these requests within a reasonable period of time, and will usually do so within seven days.

In using personal information for the purpose of direct marketing, QVM will also comply with other laws relevant to marketing, including the *Spam Act 2003* (Cth), the *Do Not Call Register Act 2006* (Cth) and the *Competition and Consumer Act 2010* (Cth) (including the Australian Consumer Law).



## **CCTV at QVM**

QVM uses CCTV surveillance systems to monitor and to record activity at the QVM site. The main purpose for which QVM uses the CCTV surveillance systems is to ensure a safe and secure environment for all members of the public (including QVM staff, stallholders and their staff, other contractors and visitors to QVM).

QVM uses CCTV footage recorded to personally identify you for security, risk management, loss prevention and incident investigation purposes, as outlined in this privacy policy.

QVM may also use CCTV systems to collect and analyse data regarding customer behaviour trends, including to monitor patterns of foot traffic, to analyse visitor demographics and browsing habits and to facilitate QVM's marketing initiatives. This data is aggregated and anonymous, and will not be used to personally identify any individual.

## **Free Wi-Fi service**

QVM offers a free Wi-Fi service. If you are carrying a Wi-Fi enabled device within the range of QVM's Wi-Fi network, QVM will automatically collect location data transmitted from your device. This enables QVM to provide you with access to QVM's Wi-Fi network.

QVM may collect information about the devices within range of its Wi-Fi network, including (for example) the type of device, its ID number or "MAC address", and its movement throughout the site.

QVM will not use this information from your device to personally identify you, unless you specifically connect to QVM's free Wi-Fi network.

When an individual connects to the Wi-Fi network, QVM will collect additional information from the individual, such as the individual's name, email address, the details of the websites and/or mobile applications accessed while connected to the Wi-Fi network, and any other information which the individual volunteers to QVM.

## **Security of personal information held by QVM**

QVM takes reasonable steps to protect the security of the personal information QVM collects and holds.

In particular, QVM stores information using a combination of physical files and a secure electronic document management system, eDocs. Security and access protocols are maintained in order to implement reasonable steps to ensure that personal information is protected from misuse, interference, loss, unauthorised access, modification and disclosure. Internal access controls and protocols ensure that only authorised staff can access personal information in circumstances where they are required to do so in the performance of their duties. Our IT system allows electronic file access to be tracked and audited to ensure that only authorised access to personal information has occurred.

Governance mechanisms employed by QVM to ensure the appropriate management of personal information include maintaining a designated privacy officer role, our internal legislative compliance manual, audit programs, staff bulletins and training programs. QVM is committed to conducting a



Privacy Impact Assessment for any new project where personal information will be handled, or where a significant change to information handling procedures is proposed.

QVM regularly reviews and updates its physical and data security measures in light of current technologies.

Unfortunately, no data transmission over the Internet or over mobile data and communications services can be guaranteed to be totally secure.

### **Quality of personal information held by QVM**

QVM is required to take reasonable steps to ensure that the personal information it collects, holds, uses and discloses is accurate, up to date and complete, with reference to the purpose for which it is collected, used or disclosed. Information held by QVM is subject to regular reviews and audits for this purpose. Where it is determined that it is no longer necessary or legally required for QVM to hold and store personal information, reasonable steps are taken to de-identify or destroy the information.

Notwithstanding the foregoing, the accuracy of the information QVM holds largely depends on the accuracy of the information supplied to QVM or which QVM collects. If at any time you discover any information QVM holds about you is inaccurate, out-of-date, incomplete, irrelevant or misleading, please contact us to correct the information.

### **Requests to access or update/correct personal information**

#### **Access Requests**

Where QVM holds personal information about an individual, that individual is entitled at any time (upon request) to access the personal information QVM holds about that individual.

Requests made by individuals to access their personal information held by QVM will generally be granted, unless certain limited circumstances apply. Those circumstances may include where it is reasonably determined that granting access would pose a serious threat to the life, health, or safety of an individual or to public health or safety, where granting access would have an unreasonable impact on the privacy of other individuals, where the request is frivolous or vexatious, or where legal proceedings are on foot.

QVM may also deny access in some circumstances where it is required to do so by law or access would be unlawful, where commercial negotiations or decision making processes may be prejudiced, where unlawful activity or serious misconduct is suspected, or where enforcement related activities may be prejudiced.

QVM generally will respond to requests to access personal information within a reasonable period, and will endeavour to grant access to the information in the manner requested where it is reasonable and practicable.

If access is to be refused due to one of the above exceptions, QVM will take reasonable steps in the circumstances to provide access that meets the needs of QVM and the individual, including through using a mutually agreed intermediary.



If access is refused, QVM will give the individual a written notice which sets out the reasons for refusal, how to complain about the refusal, and where it relates to a commercially sensitive decision-making process, the reasons for refusal may include an explanation of the nature of the commercially sensitive decision.

QVM may require that reasonable charges be paid in respect of granting access to personal information, however the charges must not be excessive, and must not apply to the making of the request. Requests for access to personal information can be by contacting our Privacy Officer directly.

Please note that QVM reserves the right to verify the identity of the person making an access request, to ensure that QVM is not inadvertently disclosing personal information to an individual not entitled to access such information.

Further, QVM reserves the right to redact the information QVM makes available in response to an access request, to protect the privacy of other individuals.

### **Requests to update or correct**

As noted above, if QVM holds personal information about an individual, and is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading (having regard to the purpose for which it is held), or the individual requests that QVM correct the information, then QVM will take reasonable steps to correct the information to ensure that it is accurate, up to date, complete, relevant and not misleading.

When QVM corrects personal information that it previously disclosed to someone else, and the individual requests that QVM notify the other person of the correction, then QVM will take reasonable steps in the circumstances to give that notification unless it is impracticable or unlawful to do so. If in some circumstances QVM refuses to correct personal information as requested, it will provide the individual with a written notice that sets out the reasons for refusal, and how to complain about the refusal.

When QVM refuses to correct personal information as requested, and the individual requests QVM to add a statement to their record that the information is inaccurate, out of date, incomplete, irrelevant or misleading, then QVM will take reasonable steps in the circumstances to add the statement to the record in a manner that will make it apparent to users of the information. QVM will respond to requests to correct/update or add a statement within a reasonable period after the request is made, and will not charge the individual for the making of the request, the correction, or the adding of the statement.

Requests to update or correct personal information can be made by contacting our Privacy Officer directly. Requests will usually be met or responded to within 30 days.

### **Complaint Management**

All complaints concerning breaches of the Act and APPs will be examined, and unless they are considered frivolous or vexatious, will be investigated by QVM's Privacy Officer. Complaints should be submitted in writing directly to the Privacy Officer via the contact details on page 2 of this policy.



QVM follows dedicated procedures for identifying and reporting privacy breaches, and for receiving and responding to complaints.

QVM's Privacy Officer maintains a complaint register, and will investigate complaints concerning the mishandling of personal information, security breaches, allegations of breaches of the Act and the APPs, and any matters which are referred from the Office of the Australian Information Commissioner (OAIC). Your complaint will be promptly acknowledged, and will be dealt with within a reasonable amount of time depending on the complexity of the matter. You will receive updates as to the progress of your complaint if the investigation takes longer than expected. Less complex complaints can usually be dealt with within 30 days, however more complex matters may take longer to resolve.

Where a notification of a breach of privacy, is received, QVM's Privacy Officer will take immediate steps to contain the breach, which may involve securing or quarantining personal information or QVM files which contain the personal information. A preliminary assessment will be conducted and any necessary actions taken. Where QVM is required by the Act to notify individual(s) whose personal information has been exposed as a result of the breach, QVM will comply with its statutory obligations to notify those individual(s) and the Privacy Commissioner as soon as practicable.

Where the preliminary assessment finds that the matter is complex or of a serious nature, independent investigators and/or legal advisors may be retained to assist with the investigation. All investigations will determine whether or not there appears to have been a breach of QVM's obligations under the Act. At the conclusion of the investigation, recommendations may be made as to changes to information handling practices and protocols within QVM. The complainant (or if the matter was referred by it, the OAIC) will be informed of the outcome of the investigation, any relevant findings, and any actions taken as a result.

If the complainant is not satisfied with the investigation or the outcome, they may make a further complaint to the Office of the Australian Information Commissioner.

## **ASSOCIATED COMPANY DOCUMENTS AND LEGISLATION**

Privacy Act 1988 (Cth)  
QVM Code of Conduct Policy (DM 1555)



## CHANGE HISTORY

Date	Version	Updated By	Approved By	Change
05/04/14	2	Russell Kennedy Pty Ltd	Jan Cochrane-Harry	Updated to reflect changes in the Privacy Act 1988 (Cth)
04/12/14	3	Kelly Green	Jan Cochrane-Harry	Updated to explain that personal information about QVM stallholders may be provided to third parties to investigate counterfeit goods and trademark infringements as per advice from Russell Kennedy Pty Ltd.
30/01/17	3	Kelly Green	Kelly Green	Reviewed, no changes required.
23/07/18	4	Russell Kennedy Pty Ltd	Debbie Dowling	Updated to reflect changes in the Privace Act 1988 (Cth)

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