

VARIATION ORDER

A. EFFECTIVE DATE: 01 June 2023

B. AMENDMENTS TO THE PARTNERING CONTRACT

1. Clause 2.1.3 is AMENDED by DELETING the reference to Annexure 19 (GWRC Privacy Policy).

2. New Clause 24.1B is ADDED

"Privacy Audit

24.1B GWRC may undertake privacy and privacy signage audits, as part of and in accordance with the audit and inspection rights set out in clause 24.1 of the Partnering Contract. Privacy and privacy signage audits may include auditing the Operator's compliance with:

- (a) the Operator's privacy and data protection obligations set out at clause 61;
- (b) the requirements related to the use of CCTV as set out in Schedule 4 (Vehicle Quality Standards), Appendix 2 (CCTV System Minimum Requirements); and
- (c) the requirements set out in the Metlink Branding Manual."

3. Privacy and Data Protection

i) Clause 61.2 is DELETED and REPLACED with:

"Operator's Privacy Statement

61.2 At all times during the Term the Operator is responsible for managing all of their privacy requisites including a commitment to implement, maintain and comply with (and ensure that all Operator Associates comply with) the Operator's Privacy Statement which:"

ii) Clause 61.2.2 is DELETED and REPLACED with:

"61.2.2 describes how the Operator will collect, store and use Personal Information acquired in connection with the provision of the Services in a manner that meets the requirements of Information Privacy Principle 3 (as stated in section 22 of the Privacy Act 2020); and"

iii) New Clause 61.2.4 is ADDED

"61.2.4 describes how the Operator will deal with a GWRC request for images and recordings under clause 1.9 of Appendix 2 to Schedule 4"

iv) New Clause 61.2.5 is ADDED

"61.2.5 describes the Operator's use and coverage of visual and audio recordings."

v) Clause 61.3 is DELETED and REPLACED with:

"61.3 The Operator shall publish on its website and have freely available to any person the current Operator's Privacy Statement."

vi) NEW Clause 61.3A is ADDED

"Review requirements

61.3A The Operator agrees to periodically review and update the Operator's Privacy Statement and submit this to GWRC who will review and provide comments as considered necessary. The GWRC review will include whether, in its opinion the Operator's Privacy Statement adequately addresses the requirements of clause 61 and the Privacy Act 2020. The Operator shall promptly update the Operator's Privacy Statement to incorporate any reasonable comments received from GWRC as part of this review."

vii) NEW Clause 61.3B is ADDED

“Privacy signage

61.3B The Operator shall display privacy signage on, and in all Vehicles that are visible to all passengers, as required by GWRC, and as detailed in the Metlink Branding Manual as published from time-to-time.”

C AMENDMENTS TO SCHEDULE 1 DEFINITIONS AND INTERPRETATION

1. Definitions

- i) Definition of “GWRC Privacy Policy” is DELETED.
- ii) Definition of “Privacy Act” is DELETED and REPLACED with.
“**Privacy Act**” means the Privacy Act 2020.”
- iii) Definition of “Privacy Policy” is AMENDED
 - a) by DELETING “(b) the GWRC Privacy Policy,” and
 - b) by REWORDING (c) to read “(b) the privacy statement which the Operator is required to implement pursuant to clauses 61.2 and 61.3 (Operator’s Privacy Statement).”
- iv) Definition of “Operator’s Privacy Statement” is ADDED
“Operator’s **Privacy Statement**” means the Operator’s Privacy Statement to be completed by the Operator in accordance with the requirements of clause 61.2.”

D AMENDMENTS TO SCHEDULE 4 (VEHICLE QUALITY STANDARDS)

- 1. The following amendments apply to Schedule 4 (Vehicle Quality Standards) – CV1 – April 2018, which was previously updated by the Deed of Variation completed by the Parties dated 21 December 2018.

2. Appendix 2 - CCTV system minimum requirements

- i) New Clause 1.11 is ADDED
“1.11 For the avoidance of doubt, no intelligence surveillance technologies, such as facial recognition, are permitted under any CCTV System or process included in or provided as part of this Schedule 4 VQS.”
- ii) Clause 4.1 is DELETED and REPLACED with:
“4.1 A microphone shall be installed in the vicinity of the driver’s cab and connected to the audio input of the DVR, such that audible sounds of conversations and other activity that occur within 2 metres of the driving seat are either always recorded or recorded only upon activation of the Duress Alarm.”
- iii) Clause 4.2 is DELETED and REPLACED with:
“4.2 The CCTV System shall be configured to record audio only as described in clause 4.1. No other audio recording by the Operator is permitted on a Vehicle.”

E AMENDMENTS TO ANNEXURE 19 (GWRC PRIVACY POLICY)

- 1. Annexure 19 (GWRC Privacy Policy) is DELETED.