

Privacy policy

Policy

Purpose

The purpose of this policy is to communicate how Energy Safe Victoria (**Energy Safe**) manages personal information and to demonstrate our commitment to privacy by explaining how we meet our privacy obligations. This privacy policy should be read in conjunction with our website privacy statement, which can be found [here](#).

We are committed to protecting the privacy of people's information in accordance with the information privacy principles (**IPPs**) as set out in the *Privacy and Data Protection Act 2014* (Vic) (**Privacy Act**) and the Health Privacy Principles (**HPPs**) in the *Health Records Act 2001* (Vic) (**Health Records Act**). A full copy of the IPPs is available in Schedule 1 of the Privacy Act and a full copy of the HPPs is available in Schedule 1 of the Health Records Act. As part of our functions and responsibilities, we may need or be required by law to collect personal, health or sensitive information about those engaged with our services.

This privacy policy sets out information about:

- the personal, health and sensitive information we collect, store, use and disclose
- how you may access the information we hold about you
- how your information will be protected if it is transferred outside of Victoria
- what to do if you have a question or complaint about our handling of personal or health information.

Further specific information regarding how we will collect, hold, use and disclose particular personal, health or sensitive information may also be set out in a collection notice provided to you at the time we request the information.

Definitions

The following table lists key terms used in this document and provides a definition to explain their meaning.

Term	Definition
collection notice	A notice provided at or before the time Energy Safe collects personal information, or if not practical, as soon as possible afterwards.
ES Act	<i>Electricity Safety Act 1998</i> (Vic)
GS Act	<i>Gas Safety Act 1997</i> (Vic)
health information	Personal information relating to the health or disability of an individual, the provision of health services to an individual or their expressed wishes about the provision of health services.
IPP	Information Privacy Principle, as set out in the Privacy Act
personal information	Any information or opinion about an individual (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion.

Term	Definition
Pipelines Act	<i>Pipelines Act 2005 (Vic)</i>
regulated entities	These include licensed electrical workers, gasfitters, electrical and gas distribution and transmission organisations.
sensitive information	Any personal information about a person'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 or trade union, sexual preference or practices and criminal records.

Responsibilities

Collection of personal information

We will only collect personal information if the information is necessary for one of our functions or activities.

This may include names, addresses, dates of birth, telephone numbers and email addresses for the purposes of:

- fulfilling our functions and powers under applicable laws including the ES Act, GS Act and Pipelines Act including in relation to:
 - the licensing and registration of electrical professionals under the ES Act
 - processing gas applications under the GS Act
 - monitoring compliance with the ES Act, GS Act and Pipelines Act and the regulations made under those Acts
 - registering and managing the registration of cathodic protection systems
 - responding to and investigating reported safety incidents, accidents and emergencies
 - the assessment and approval of safety management plans such as gas safety cases, electricity safety management schemes, pipeline safety management plans and bushfire mitigation plans
 - processing gas and electrical equipment certification applications
 - responding to complaints relating to electrical and gas professionals and the quality or compliance of their work
 - carrying out investigations and enforcement activities including prosecutions
- responding to complaints about Energy Safe and its officers
- handling enquiries, visitors and the receipt of correspondence and unsolicited information
- conducting audits and inspections
- receiving or processing requests for access to information including applications made under Victorian Freedom of Information laws, or in response to requirements of tribunals or courts
- compilation or analysis of information and statistics relevant to the performance of regulations
- receiving applications for a job or employment with Energy Safe
- receiving and considering quotes, offers and tenders for the provision of goods and services to Energy Safe
- collecting responses to surveys, event invitations and research undertaken by or on behalf of Energy Safe
- communicating with you, including by providing *EnergySafe* magazine, email newsletters or through online and social networking sites including Facebook, Twitter and LinkedIn.

In some cases, we are required by law to collect personal information (for example, in order to grant licences under the ES Act). Where we are required by law to collect personal information, we will refer to the relevant law in the collection notice.

We will generally collect personal information directly from the person to whom it relates. In some instances, we receive personal information indirectly from other people and organisations, such as complainants,

emergency services, other government agencies and regulated entities. This information is usually provided in the context of a complaint about a person or business, or a safety incident or accident reported to us.

It is not always practical for us to advise people when we receive information about them from a third party. We will only use personal information received from third parties to carry out our statutory functions. We will only disclose personal information received in this way with the person's consent, unless we are required by law, or permitted, to do otherwise.

Health and sensitive information

We may request or obtain health or sensitive information (including a police criminal record check) in order to:

- assess applications for or renewals of licences or registrations (e.g. applications or renewals of electrical licences or registration of electrical contractors)
- facilitate a licensing assessment
- carry out an enforcement activity,

and as otherwise authorised or required by law.

We will retain this information to complete the required task and subject to any relevant Retention and Disposal Authority issued or approved by the Public Records Office of Victoria.

Further details regarding the collection and use of health and sensitive information for the purpose of an electrical licence or registration application are provided by way of collection notices during the online application process.

Collection notices

When we collect information from individuals, we take reasonable steps to provide them with a collection notice (for example, when industry participants provide personal information via application forms and online systems, including GasTrac, Online Services and ESV Connect).

Collection notices provide detailed information about why personal information is being collected, and how that information will be used and disclosed by us.

Collection notices should be read in addition to this policy. We recommend that they are read carefully before you provide personal information to us.

Anonymity

Where practicable and lawful, you may choose to remain anonymous when contacting us (for example, if you are making a general enquiry by phone). In some cases, we will accept complaints or provide technical advice and responses to general enquiries without the need to collect your personal details. However, this may limit the actions we are able to take or the services and information we are able to provide.

For information in relation to how we handle complaints, see the Energy Safe website for [complaints page](https://www.esv.vic.gov.au/complaints) at www.esv.vic.gov.au

Use and disclosure

We will only use or disclose personal information for the **primary purpose** of collection, unless:

- The use or disclosure is for a related **secondary purpose** of collection and it is reasonable to expect Energy Safe to use or disclose the information for that secondary purpose.

Examples include:

- disclosing personal information to people who are acting on your behalf for example, your legal representative

- disclosing your name and address to mail houses and printing suppliers in order for you to receive information from Energy Safe
 - providing your name and contact details to an Energy Safe compliance officer to investigate a complaint you have made
 - publishing the names of licensed electrical workers and details of licence currency on Energy Safe's website.
- You have provided consent, including consent by accepting the terms of an Energy Safe collection notice.

Examples include:

- an Energy Safe officer has asked for your consent to release your information and you have granted consent
 - you have agreed to the terms of a collection notice when making an application to Energy Safe for a licence and the collection notice sets out the purposes for which we may use your information
 - you have consented to or requested that your business details be published on Energy Safe's website to assist the public in locating and contacting licensed practitioners in their area.
- The use or disclosure is necessary for research, or the compilation or analysis of statistics in the public interest.
 - The use or disclosure is reasonably necessary to lessen or prevent a serious threat to public health, public safety or public welfare.

Examples include:

- the information is required by another state or federal safety regulator to investigate a safety incident or product safety issue.
- The use or disclosure is reasonably necessary to investigate suspected unlawful activity or reporting suspected unlawful activity to relevant people or authorities.

Examples include:

- Energy Safe may need to provide your information to another regulator such as the Building and Plumbing Commission to investigate a complaint you have made to Energy Safe about a plumber.
- The use or disclosure is required or authorised by, or under, law.

Examples include:

- publishing a register of electrical contractors as required by the ES Act
 - in response to a court or tribunal subpoena
 - responding to a statutory notice issued by another government agency.
- The use or disclosure is reasonably necessary for the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction.
 - The use or disclosure is reasonably necessary for the prevention, detection, investigation or remediation of seriously improper conduct.
 - The use or disclosure is reasonably necessary for the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal or for the purposes of preparing responses to parliamentary questions or inquiries or Ministerial correspondence.

Examples include:

- Energy Safe may need to provide a statement you have made about someone Energy Safe is prosecuting for a breach of the law.

It is an offence under s 25 of the *Energy Safe Victoria Act 2005* (Vic) for an Energy Safe Commissioner, executive, employee or agent to misuse information that they acquire in the course of their duties.

Who we disclose information to

In using information for the purposes described above, we may need to disclose that information to third parties. Those third parties may include:

- our contracted service providers
- our lawyers and other professional advisers
- third parties involved in investigating complaints, safety incidents, accidents and emergencies
- third parties involved in enforcement activities (for example, tribunals, courts or Energy Safe's legal representatives)
- members of the public who conduct searches of the public registers maintained by Energy Safe (for example, the Registered Electrical Contractor Register) or make a request for information under Victorian Freedom of Information laws
- other government departments and agencies including other gas and electrical safety regulators in other parts of Australia.

We take reasonable steps to ensure that our contracted service providers comply with the IPPs in Victorian privacy laws (including, where appropriate, by contractually requiring those service providers to comply with the IPPs).

If you have a question or complaint about how your information is being handled by a contracted service provider on our behalf, you can contact Energy Safe's Privacy Officer (see the "How to make a complaint or request information" section below for contact details).

Unique identifiers

In some circumstances, we will assign unique identifiers to individuals. This includes electrical licence and registration numbers and electronic user IDs. Unique identifiers are necessary to manage licences, registrations and the certificate of electrical safety self-certification scheme.

These identifiers help identify licensed workers and registered contractors who carry out electrical installation work, and the licensed electrical inspectors who inspect electrical installation work. They also ensure that only licensed electrical workers can purchase and submit certificates of electrical safety.

Data quality and data security

We take reasonable steps to ensure that the information we collect is accurate, complete and up to date – including by collecting most information directly from the person concerned and using it for its intended purpose.

There are obligations on some people to provide us with updated details within a specified time period. This obligation generally applies to electrical licence and registration holders. We aim to update our records at the time the information is provided or shortly thereafter.

We manage personal, health and sensitive information in accordance with the Victorian Protective Data Security Framework, the Privacy Act and the *Public Records Act 1973*. Computer systems and databases are protected with passwords and multi-factor authentication, and access is limited to staff that require it.

Other steps we take to ensure the quality and security of the data we hold include:

- we have secure office premises
- electronic and hard copy records are protected from unauthorised access, and obsolete hardcopy records are securely archived at separate premises
- 'firewalls' and other security measures are used to protect the integrity of the information stored electronically, with routine screens for viruses and malware
- where personal, health or sensitive information is disclosed or made available to a third party, such as contracted service providers, we will take reasonable steps to ensure that the contractor:
 - commits to confidentiality obligations

- stores the information securely
- only uses the information for its intended purpose
- returns or destroys the information when the contract or agreement governing the disclosure expires.

There are risks associated with transmitting personal, health or sensitive information electronically or via the internet. While Energy Safe endeavours to protect personal information, we cannot guarantee or warrant the security of any information transmitted in this way. Once we are in possession of this information, we will take reasonable steps to protect it from misuse, loss, unauthorised access, modification or disclosure. When information is no longer required, we will take reasonable steps to destroy or permanently de-identify it, except when its retention is required by legislation. When we are no longer required to retain information by law or for one of the purposes it was collected for, we will destroy or de-identify that information.

Openness and accessing your information

You can request access to information that we hold about you at any time. We will make every effort to give you access without charging a fee. If your request involves information about a third party, you may be required to use freedom of information (FOI) procedures. See our website for FOI processes at www.esv.vic.gov.au

If you become aware that the information we hold about you is not accurate, complete or up to date, you may ask us to correct it by contacting us using the contact details set out in the *How to make complaint or request information* section below.

Transborder dataflow

If we send personal, health or sensitive information overseas or interstate, we will take reasonable steps to ensure that your privacy will be protected to the same extent required by the Victorian privacy laws, including, where appropriate, by contractually requiring recipients to comply with the Victorian privacy laws.

Publishing and communications

In accordance with our role as a regulator, we may communicate or publish certain information including identifying information, for the purposes of educating stakeholders and the community, and deterring non-compliance with energy safety laws. This may include information regarding an incident, safety alerts, proactive or enforcement activities, the filing of charges and prosecution outcomes. This may include, but not be limited to, publication via the Energy Safe website, media or social media, our annual report, industry publications or presentations.

Energy Safe website, email subscriptions and online payments

Website privacy

You can access and browse our website without disclosing personal information. Your details will be collected if you engage with us online or by completing online forms. Your personal information will be managed in line with this privacy policy.

Email subscription service

If you subscribe to receive Energy Safe news, we will collect your name and email address.

We may preserve the content of any electronic message we receive. Any information contained in that message will only be used or disclosed in ways set out in this privacy policy. We do not use this information to add people to a mailing list without consent.

Please unsubscribe through the link at the bottom of any email or contact us if you no longer want to receive e-mails or other communications from us.

Online payments

If you make a payment using the Energy Safe website or an Energy Safe platform or portal, we may process your payment via a third-party electronic payments service provider.

Before using these facilities, you should ensure that you are using a web browser that supports 128-bit encryption. In many web browsers, you can confirm that your session is encrypted by the appearance of a locked padlock symbol near your browser's location field.

Social media - use expectations

Energy Safe is a registered user of social media platforms including Meta (Facebook and Instagram), YouTube and Twitter and has agreed to the terms of service of these platforms. Your interactions with Energy Safe on these platforms are governed by these third-party terms of service and you should ensure you have read and understood these terms prior to interacting with us on these platforms.

Our social media accounts are monitored between 8.30am - 4.30pm Monday to Friday. Comments made during these hours will be responded to during business hours.

Any information or messages placed on Energy Safe's social media accounts are treated as publicly available. Messages or replies that contain confidential or personal details, such as complaints, will not be responded to publicly. Complaints should be submitted either through our website form or by following the process below.

If you visit, like or follow our accounts: @EnergySafeVictoria and @EnergySafeVic, you can expect to receive the following content and alerts:

- new content on our website, such as new guidance materials
- information about events that Energy Safe coordinates, participates in or promotes
- shared posts and tweets from other Facebook and X (formerly Twitter) users which have relevance to Energy Safe activities
- links to news stories that concern issues relating to Energy Safe functions
- links to the activities of authorities with functions similar to Energy Safe.

We reserve the right to remove any content posted by a user that is abusive, harassing, defamatory or otherwise deemed unsuitable, or that violates an individual's human rights. We also reserve the right to block users who persistently share or post inappropriate content on our social media pages.

How to make a complaint or request information

If you would like any information about the way in which we handle personal, health or sensitive information, or you are dissatisfied with the way we have handled the privacy of your information, you are free to contact our Privacy Officer. You may raise your question or complaint in person, by telephone or in writing to:

The Privacy Officer

Energy Safe Victoria

PO Box 262

COLLINS STREET WEST VIC 8007

Telephone: (03) 9203 9700

Email: privacy@energysafe.vic.gov.au

Website: www.esv.vic.gov.au/about-esv/contact-us/

We will respond to queries regarding our handling of personal information within a reasonable period of time, and we will aim to respond to privacy complaints within 30 days.

Breach of privacy

If you believe that we have not handled your complaint according to this policy or that we have breached your privacy, you can raise your concerns directly with the Office of Victorian Information Commissioner (**OVIC**). OVIC receives complaints in relation to the handling of personal information by Victorian public sector bodies, and can provide advice or assist you to resolve complaints through a conciliation process. OVIC's contact details are available on OVIC's website: www.ovic.vic.gov.au

If Energy Safe becomes aware of a privacy breach that involves your personal information, we will assess the breach in accordance with OVIC guidelines and the Victorian Protective Data Security Framework and, depending on the severity and impacts, we may need to report the breach to OVIC and notify impacted individuals.

References

Alternative complaint and dispute resolution bodies

- Office of Victorian Information Commissioner (<https://ovic.vic.gov.au>)
- Victorian Ombudsman (www.ombudsman.vic.gov.au)

Legislative references

- *Electricity Safety Act 1998* (Vic)
- *Freedom of Information Act 1982* (Vic)
- *Gas Safety Act 1997* (Vic)
- *Health Records Act 2001* (Vic)
- *Pipelines Act 2005* (Vic)
- *Privacy and Data Protection Act 2014* (Vic)
- *Public Records Act 1973* (Vic)

Document information

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Responsibility	General Counsel and General Manager – Legal, Governance and Regulatory Policy

Who we are

We are Victoria's safety regulator for electricity, gas and pipelines.

Our role is to ensure that Victorian gas and electricity industries are safe and meet community expectations. We are also responsible for licensing and registering electricians and educating the community about energy safety. More information is available on the Energy Safe Victoria website: www.esv.vic.gov.au

Note: The information in this document is intended for general use only. We make reasonable efforts to ensure the information in this document is accurate, complete and up to date, however we do not accept liability for any loss or damage which may be incurred by any person relying on this document.