

INFORMATION PRIVACY GUIDELINES

Human Resources

1 Parent Policy

Information Privacy Policy

2 Preamble

The Victorian Electoral Commission (VEC) is subject to the *Information Privacy Act 2000* (IPA).

The VEC's functions are detailed in the *Electoral Act 2002* (EA). References in this document to sections of legislation are to the EA unless otherwise specified.

In order to understand the way in which the VEC is required to handle personal information, these two Acts both need to be considered, along with other legislation that gives the VEC specific functions¹.

The personal information handled by VEC falls into six main categories:

- **Enrolment information** - personal information associated with the maintenance of the register of electors
- **Political party registration information** - personal information associated with the registration of political parties by VEC
- **Candidate information** - personal information associated with nomination of candidates for election and subsequent administration of elections
- **Voting information** - personal information associated with voting and non-voting in particular elections administered by VEC
- **Human resources information** - personal information associated with the employment or appointment of ongoing, fixed-term and temporary staff by VEC
- **Miscellaneous contact information** – personal information about business contacts in other organisations, the media, complainants

In practice, the VEC handles all of the personal information it holds in accordance with the Information Privacy Principles in the IPA.

Sensitive information

The IPA defines certain classes of personal information as sensitive and requires additional protection, such as a greater onus to seek consent when collecting. Two of the classes of sensitive information that are particularly relevant to the VEC's functions are *political opinions* and *membership of a political association*. Sensitive information also includes the following:

- racial or ethnic origin
- religious beliefs or affiliations
- philosophical beliefs
- membership of professional or trade associations
- membership of a trade union
- sexual preferences or practices
- criminal records.

The way in which the VEC handles sensitive information is explained in these guidelines.

¹ Such as the *Local Government Act 1989* and the *Juries Act 2000*.

3 Definitions

Word/Term	Definition
electoral roll	means a list prepared under section 29 EA of the names and addresses of electors who are eligible to vote at a particular election
list of electors	means a list containing the names and address of all electors (except silent electors) enrolled on the register of electors at any specific time
list of voters	Means a list containing the names and address of electors for a particular election and information regarding where they voted and the type of vote cast.
list of non-voters	means a list containing the names and addresses of non-voters for a specific election
register of electors	means the register of electors for Victoria established and maintained under section 21 EA that contains the names and addresses of all electors and the particulars required under the Act

4 Scope

These guidelines apply to all VEC employees, appointees and contractors.

5 Compliance with the Information Privacy Principles

The VEC's handling of each of the six categories of personal information is explained in these guidelines by following the structure of the Information Privacy Principles (IPPs) in the IPA (Schedule 1). The requirements of the EA are explained under the relevant privacy principle.

The discussion of *Collection* in each case covers not only IPP 1 (*Collection*), but also IPP 8 (*Anonymity*), IPP 7 (*Unique Identifiers*) and IPP 10 (*Sensitive Information*).

Where applicable, compliance with IPP 9 (*Transborder Data Flows*) is dealt with under *Disclosure* (IPP 2).

Compliance with certain IPPs is largely common across all categories of information. These are IPP 4 (*Data Security*), IPP5 (*Openness*) and IPP 6 (*Access and Correction*). These are explained separately at the end of this document. A brief description of the IPPs is attached to this document.

1. Enrolment information

Under Part 3 of the EA, the VEC must establish, maintain and regularly update a 'register of electors' (s.21). This register contains the names, addresses and dates of birth of electors, and other information such as changes of name or address.

The complete register of electors and their details is never available for public inspection (s.28 EA). However, a list of electors (excluding silent electors) containing only name and address information must be prepared every six months and must be available for public viewing at VEC offices. This list can also be made available at other places as determined by the Electoral Commissioner (s.32 EA).

Certain information from the register of electors is made available to other people and organisations, but only according to legislation, in specified forms and for specified purposes. Legislation expressly governs the circumstances in which electoral information is provided: ss. 32-36 EA, s.21 *Local Government Act 1989*, and s.19 *Juries Act 2000*. This is consistent with the IPA, which requires clear specification of an agency's purposes whenever it holds uses and discloses personal information.

Publicly available roll not subject to IPA

The types of information that are made available for public inspection under s. 32 (a list of all elector's names and addresses and the latest electoral rolls) are 'generally available publications' as defined in s. 3 of the IPA and are therefore not directly subject to that Act and its IPPs (s.11(1)(a)). Instead, their use and disclosure is governed solely by the EA. However, as they are also 'public registers' (s.3), the VEC is required to handle the personal information involved as far as reasonably practicable in accordance with the IPPs (s.16(4)).

1.1. Collection

It is compulsory for eligible individuals to enrol on the register of electors (s.23 (1)). The following² personal information is collected from eligible individuals:

- title
- names (including former names if updating)
- gender (male/female)
- date of birth (and town of birth if an Australian citizen)
- declaration of Australian Citizenship³
- Residential⁴ and postal address details (including former enrolled address if updating)
- driver licence or learner permit number, or Australian passport number, or if the person does not have a licence, a declaration either from a person on the Commonwealth electoral roll for Federal enrolment purposes or from a person on the Victoria State electoral roll for State enrolment purposes.

While not necessary for Victorian enrolment, 'proof of identity' information is required under the *Commonwealth Electoral Act 1918*, and is collected on joint enrolment forms under the terms of a joint roll arrangement between the VEC and the Australian Electoral Commission (AEC). Proof of identity information is not extracted to the VEC database. The VEC enters into its database only the information needed for Victorian purposes and then forwards it to the AEC.

The enrolment form also asks for contact details – phone and email address. It is optional to provide those details. If these details are provided, they are not entered into the VEC's database but are stored in the original scanned image. This optionally provided information is not included in any authorised data transfer that may occur in circumstances detailed in this document.

Special arrangements apply to applications for enrolment from overseas electors and from people with no fixed address. Some additional personal information is collected⁵. Some of this information is entered into the VEC database. The original forms are securely stored at the VEC.

The VEC assigns an elector identification number (elector id) to each person whose details are maintained on the register of electors in order for the VEC to efficiently and accurately manage its function of establishing, maintaining and updating a register of all people eligible to vote within the State of Victoria, and is therefore authorised under IP 7.1 as it is necessary for the VEC to carry out this function. The elector id is a 'unique identifier' as defined in the IPA.

The above personal information is collected primarily either *directly* when an individual who is eligible to enrol provides a completed "Enrol to vote" form to the VEC (s.23); or *indirectly* through joint enrolment and

² Some of this information is expressly prescribed in the Electoral Regulations 2002, Schedule, Form A. Some items, while not expressly prescribed, are collected by the VEC because it considers them necessary to give effect to the intention behind the prescribed items.

³ Including certificate number if not by birth, and alternatively British subject if enrolled before 1984

⁴ The EA includes a definition of 'principal place of residence' and disputes about this are one of the grounds for objection to enrolment, but the enrolment form does not attempt to explain this level of detail – only that the applicant must have been resident for at least one month.

⁵ Forms are available including on the VEC website.

exchange of information arrangements with the Commonwealth (s.20), or through arrangements with other authorities under relevant legislation including that related to direct enrolment.

One effect of the joint roll agreement is that an individual may enrol or update their information by completing either a VEC or an AEC form, which are both designed for 'joint' enrolment – there is no option for an individual to *request* enrolment for only State or only Commonwealth elections. However, if an individual fails to provide evidence of identity to satisfy the Commonwealth requirement, they may still be enrolled on the State register only. The AEC would become aware of this through the joint roll arrangement and would be likely to follow up the elector to remind them of their obligations under Commonwealth law.

In the process of enrolment, the VEC also collects the names and addresses of individuals witnessing the applicant's declaration (required on all forms) and, where the applicant does not give a driver licence number, of individuals attesting to having sighted the applicant's alternative evidence of identity, or otherwise attesting to the applicant's identity. The personal information about witnesses is not extracted or held in any database, but is included in the 'scanned' image of the form and stored and disposed of in accordance with legislation.

In accordance with the EA, the VEC also collects personal information about individuals from other people or organisations. This information is typically used to identify individuals who may be eligible to enrol, or who may need to update their details on the register of electors. Under section 26(4) of the EA the VEC may require a number of organisations to provide information about individuals, which may then be used to automatically amend information about an individual on the register of electors, or to automatically add an eligible individual to the register of electors. The VEC contacts the individual advising them of any update or additions to the register made in relation to them as a result of information provided by a third party or as a result of direct enrolment provisions under section 23A of the EA.

The VEC's collection of personal information about individuals from other people or organisations falls within three categories.

i. Organisations to provide personal information under the Electoral Act (EA)

The EA places obligations upon the Registrar of Births, Deaths and Marriages and the Secretary to the Department of Justice to provide specified information to the VEC.

Deaths: the Registrar of Births, Deaths and Marriages must within three days after the end of each month provide the VEC a list setting out the name, date of birth, sex and the last-known place of residence at the date of the death, of each person of the age of 17 years or more whose death was registered by the Registrar of Births, Deaths and Marriages during the month (s. 26 (1)). All people on this list are removed from the register of electors.

Change of name: the Registrar of Births, Deaths and Marriages must within three days after the end of each month provide the VEC a list of changes of names of people during the month showing the previous recorded or registered name of each person, the name under which that person is registered in the register of changes of names, and the address of that person (s. 26 (2)).

Imprisonment: the Secretary to the Department of Justice must as soon as practicable after the beginning of each month provide the VEC a list specifying the name, date of birth, sex and last known place of residence, of each person who during the preceding month was convicted in Victoria and is serving a sentence of five years imprisonment or more (s. 26 (3)). All people on this list are flagged on the register of electors so that they will not be included on any electoral roll produced for any election during their term of imprisonment.

ii. Obligation to provide personal information pursuant to a notice from the VEC

The VEC may request specified people or organisations to provide personal information about individuals, being information that is required in connection with the preparation, maintenance or review of the register of electors (s. 26 EA). The people or organisations that the VEC may request to provide personal information are:

- a public service body head within the meaning of the *Public Administration Act 2004* (s.26(4)(a))
- a Chief Executive Officer appointed by a council under section 94 of the *Local Government Act 1989* (s.26(4)(b))

- a chief executive officer of a public statutory authority (s.26(4)(c))
- a member of the police force (s.26(4)(d))
- a distribution company or a retailer within the meaning of the *Electricity Industry Act 2000* (s.26(4)(e)).
- an elector or a person qualified to be an elector (s.26(4)(f)).

iii. Arrangements with other people or bodies

The VEC may also make arrangements with other people or organisations to provide personal information about an individual to the VEC to assist it to establish, maintain and update the register of electors. Currently the organisations in this category include VicRoads, VCAA, Residential Tenancies Bond Authority. Details of sources for the Continuous Roll Update (CRU) program are provided in the VEC's Annual Reports.

The VEC also occasionally receives unsolicited information about individuals whom the source (e.g. a neighbour) considers should be on the register.

In circumstances where personal information is collected other than directly from the individual, IPP 1.5 requires that the VEC take reasonable steps to ensure that the individual is or has been made aware that their personal information is being provided to the VEC. The only exception to this requirement is when making the individual aware of these matters would pose a serious threat to the life or health of the individual. The Electoral Enrolment Branch Manager will have responsibility for ensuring that the VEC acts in accordance with IPP 1.5 in such circumstances.

In this regard, the responsibilities of the Electoral Enrolment Branch Manager include:

- taking reasonable steps, when collecting personal information (other than directly from the individual) to ensure that the entity disclosing the information will provide or has provided notice to the individual that their personal information will be disclosed to the VEC in order to assist the VEC to maintain the register of electors. Such notice should include the authority under which the disclosure is made. Maintaining internal records to evidence that the VEC has complied with IPP 1.5.

Where personal information is received 'unsolicited' it is clearly not possible to make arrangements for notification in advance. However, in all such cases where the individual concerned is not already registered, the VEC would try to contact them.

A further source of information that can affect register entries is objections to enrolment. The EA expressly provides for receipt and handling of objections (ss. 38-41) with prescribed forms⁶.

1.2. Use & Disclosure

The VEC uses enrolment information to fulfil its statutory functions. The VEC discloses enrolment information in a number of ways, each of which is governed by legislation.

Specific protection is provided for the disclosure of a person's information if the person considers that releasing that information would place the personal safety of the person, or of members of the person's family, at risk (s.31). In such circumstances, a person may apply to be a 'silent elector' on a prescribed form, which includes a statutory declaration as to the risk⁷.

Under the Joint Roll Agreement, such applications are forwarded to, and processed by, the AEC. If the applicant establishes to the satisfaction of the AEC that disclosing their address places or would place the personal safety of the person - or members of the person's family - at risk, then the VEC must restrict the information released about the silent elector (as discussed below). The AEC is responsible for security of the application forms.

Once a person is 'flagged' by the AEC as a silent elector, the VEC implements strict security precautions to ensure that their details are not released to any other organisations, except as required by legislation (discussed below). In addition, access to the details of silent electors is restricted within the VEC, and may only be accessed through the Enrolment Management System by a small number of VEC staff in

⁶ Electoral Regulations 2002 Regulations 13 & 14, Schedule Forms E & F.

⁷ Electoral Regulations 2002, Schedule, Form B.

accordance with their role descriptions and specifically authorised by the Electoral Commissioner in consultation with the Electoral Enrolments Manager. A list of authorised staff is maintained by the Electoral Enrolments Manager. The authorised staff is provided with membership to a log-in group which enables access to the silent elector information.

Public inspection of enrolment information

The VEC is required to make the list of electors (names of all enrolled Victorian electors in alphabetical order and their addresses), updated every six months, available for public inspection free of charge at the office of the VEC during office hours (s. 32 (1) & (2)). The VEC must also ensure that copies of the latest print of any electoral roll (the names and addresses of electors who are eligible to vote at a particular election) are available for public inspection free of charge at any place and during times determined by the VEC (s. 32 (3)). The VEC makes the latest print of electoral rolls available for inspection on request at its head office. When producing an electoral roll, the VEC must ensure that the address of a silent elector is not entered on any electoral roll. The VEC must also ensure that the latest list of electors does not include silent electors.

Provision of enrolment information to political parties, members and candidates

The VEC is required to provide lists specifying electors and their particulars (address, date of birth) to registered political parties, members of the Legislative Assembly and Council, and candidates for election, in certain specified circumstances (ss.33). The particulars of silent electors must not be provided in any circumstances.

The EA limits the use of enrolment information by a political party, member, or election candidate, and clearly describes the permitted purposes for which enrolment information may be used (s. 36). Penalties apply if enrolment information is used or disclosed other than for a permitted purpose (s. 37).

Provision of enrolment information required by other legislation

The VEC is required to provide specified enrolment information pursuant to provisions of the *Local Government Act 1989* and the *Juries Act 2000*. Section 21 of the *Local Government Act 1989* requires the VEC to prepare a voters' list at specified times, comprising all people entitled to vote at a specified local government election. Section 19 of the *Juries Act 2000* requires the VEC to prepare a roll of people apparently qualified and liable for jury duty in the jury district required for the jury service period.

The above information is provided pursuant to legislative requirements in the other Acts, and not as a result of a request for a list of electors and their particulars under section 34 of the EA. The particulars of silent electors, even when they must be provided, are subject to additional protection at all times.

Provision of enrolment information to others

If the VEC receives a request for enrolment information for purposes other than those specified in the EA, the VEC must identify the public interest in providing the requested information and consult with the Privacy Commissioner on the public interest in protecting the privacy of personal information (s. 34). Having considered these issues, and taking into account the advice of the Privacy Commissioner, the VEC must make a finding whether or not the public interest in providing the requested information outweighs the public interest in protecting the privacy of personal information in the particular circumstances. There must be compelling public interest reasons for the release of electoral information, as this is expressly described in the EA as being not available for public inspection (s. 28)).

The particulars of silent electors must not be provided in any circumstances.

The Information Privacy Officer has responsibility for reviewing all requests for enrolment information when they are first received, and will assist the VEC to make a determination regarding the public interest in releasing information in each particular circumstance. The Electoral Enrolment Branch Manager will review all requests for information prior to a decision being made whether to release the requested information in order to determine whether the VEC is able to provide the information in the format requested.

In determining the public interest in providing requested information to specific types of organisations or for specific purposes, it is the VEC's policy to have regard to the following:

Law enforcement agencies

For the purposes of considering the public interest in complying with a request for information from a person or organisation under section 34 of the EA, the VEC applies the definition of a 'law enforcement agency' set out in section 3 of the IPA.

When a request for enrolment information is made by a law enforcement agency, the VEC will have regard to the following factors in order to assist it to determine the public interest in providing the requested information:

- whether the VEC reasonably believes that the use or disclosure of electoral information is reasonably necessary for the law enforcement agency to perform one of the functions specified in IPP 2.1(g), namely: the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction
- the enforcement of laws relating to the confiscation of proceeds of a crime
- the protection of the public revenue
- the prevention, detection, investigation or remedying of seriously improper conduct or
- the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal and
- Whether the organisation receiving the information has adequate security measures in place to prevent unauthorised access, use or disclosure of any enrolment information provided.

Victoria Police makes significant use of electoral enrolment information for a variety of purposes. In 2006, after consultations including with the Victorian Privacy Commissioner, the VEC made available to Victoria Police an online facility, subject to strict controls. This facility is provided pursuant to a s.34 determination and associated protocol.

Health screening and medical research programs

When a request for information is made for a health screening or medical research program, the VEC considers whether the public interest in providing the requested information outweighs the public interest in protecting the privacy of personal information in the particular circumstances. The VEC will normally require the proposed use to have received approval from a relevant institutional human research ethics committee. The Privacy Commissioner will also be consulted, as required by s.34.

When determining the public interest in providing the requested information, the VEC will have regard to whether the organisation receiving the information has adequate security measures in place to prevent unauthorised access, use or disclosure of any enrolment information provided.

In the case of disclosures for the purposes of health screening and medical research, the agreement between VEC and the recipient organisation includes provision for individuals contacted to be able to 'opt-out' of further approaches. VEC places a 'flag' on the individual elector's register entry to indicate such a preference, which will then apply to any requests for similar purposes.

Other requests

If the VEC receives requests for information not falling within the above general categories, it will consider the request in accordance with the procedures prescribed in s.34.

In circumstances where the VEC receives a request to provide information in relation to one individual, or in relation to a limited number of individuals, it will consider whether it is appropriate to contact the person(s) itself to inform them that an organisation is seeking their details - instead of disclosing the person(s) details under s. 34. An example of where the VEC may determine that it is appropriate to contact an individual itself may be in relation to a request from the State Trustee seeking to contact the beneficiary of a deceased's estate.

The EA limits the use of enrolment information provided by the VEC under section 34. Enrolment information must be used only for the purpose(s) for which the VEC agreed to provide the information (s.36). All recipients of information under section 34 are required to sign an agreement specifying that they will not use the electoral enrolment information provided by the VEC other than for the purpose(s) that the VEC has permitted. Penalties apply whenever enrolment information is used or disclosed other than for a permitted purpose (s.37).

The VEC must report annually to Parliament on any information provided to a person or organization under section 34 of the EA. The Information Privacy Officer has responsibility for maintaining internal records of all organisations or people to whom information is released under this section, including the reasons for such release(s), as well as for preparing a report to Parliament on these matters (this is done as a part of the VEC Annual Reports, which are tabled in Parliament and are available on the VEC website). A [list of disclosures](#) under s.34 is available on the VEC website.

1.3. Data Quality

The VEC takes all reasonable steps to ensure that the personal information it collects uses and discloses is accurate, complete and up-to-date. The VEC has numerous programs in place to update personal information, including encouraging eligible people to register or update their electoral details in order to ensure that its records are as accurate as possible.

One means by which the VEC seeks to maintain data quality is by printing the names of other electors currently enrolled (which may include electors who have moved but not notified a change of address), and/or of individuals otherwise thought to be resident at an address, on enrolment forms sent to individuals as a result of continuous roll update programme (see under collection above). The individual to whom the form is sent is requested to confirm whether or not the other people are still resident (and to nominate any others potentially eligible – they would then receive a separate form). This practice has raised privacy issues as it involves unsolicited disclosure of one person's personal information to another person, and this disclosure could in some cases be of information previously unknown to the recipient. On balance, the VEC considers that the value of the practice in maintaining the accuracy of the register outweighs the privacy risk, given that the information disclosed would in most cases be revealed in other ways e.g. by postal deliveries.

2. Voting information

The principle of the secret ballot is fundamental (s.154). For the vast majority of voters, the VEC does not collect or hold any information about voting preferences that can be linked to an individual.

Certain votes such as postal and absent votes are received and briefly held by the VEC inside ballot paper envelopes that have the name and address of the voter attached or written on the outside of the envelope so that these people can be recorded as having voted. The VEC implements strict security precautions to ensure that voting secrecy is maintained, and never stores voting preferences in a form that can identify the voter.

The way this is done depends on the type of envelope used. In most cases, the voter's personal details are physically separated from the ballot paper envelope before the ballot paper is removed from the ballot paper envelope. If the voter's details are written on the ballot paper envelope, the envelope will be opened and the ballot paper removed with the details facing away from the election official so that secrecy is maintained. These processes are carried out in the presence of election scrutineers. All ballot material is secured and stored in accordance with Regulation 37 of the Electoral Regulations 2002.

The VEC does record the fact of voting and the means by which a person voted. This is partly to ensure that only those entitled to vote receive a ballot-paper and that no one votes twice. However, the record is also kept because voting is compulsory. Part 9 Division 2 of the EA provides for enforcement action against registered electors who do not vote. As this is personal information under the IPA, it must be handled according to the IPPs.

2.1. Collection

The personal information that the VEC collects about the fact that a person has voted, or about the means by which a person voted, varies depending on the means of voting. In addition, if a person wishes to vote by post, they must make an appropriate application to the VEC. The EA also specifies procedures for a person to become a general postal voter.

Voting on election day at a voting centre in the electoral district for which the person is enrolled

When voting at a voting centre in the electoral district for which they are enrolled, individual voters are asked for their name and address in order for the person to be recorded on the electoral roll as having voted. Voters are also asked whether they have voted before in the particular election (s.90). Silent or itinerant

electors are not required to provide their address and their address is not displayed on any roll associated with the election.

Records are kept of the fact that a person has voted, the type of vote cast and the location at which they voted.

Early voting, absent voting, voting when marked as voted on the electoral roll, and voting when the elector's name cannot be located on the electoral roll

In order to enable as many people as possible to vote at an election, procedures are in place for people to vote by different methods. These different methods may require that the VEC collects additional personal information about a voter to ensure that only those entitled to vote receive a ballot-paper and that no one votes twice.

If a person chooses to vote at an early voting centre (and the VEC is able to verify that the person's details appear on the electoral roll produced for an election), then the procedure for voting is exactly the same as when a person votes on election day at a voting centre in their electoral district. Similarly, some election day voting centres have access to the full electoral roll and officials can verify an elector's eligibility, even if they are voting outside their enrolled electorate (absent voters). Again the procedure for voting is exactly the same as for an elector attending a voting centre in their own electoral district. Individual electors are asked for their name, address, and whether they have voted before in the particular election (s.90). Silent or itinerant electors are not required to provide their address and their address is not displayed on any roll associated with the election.

Where the VEC does not have electronic roll marking facilities at a voting centre, the elector is required to complete a declaration vote which requires the elector to complete their name, address, date of birth and declare that they have not voted previously in that particular election on a declaration envelope. The elector completes their ballot papers which are sealed in the declaration envelope. Details on the declaration are subsequently checked by election officials to determine if the elector is eligible to vote, mark them as having voted on the electoral roll and decide if their vote should be admitted. The declaration form containing the elector's details are removed from the envelope before ballot papers are extracted. Declaration votes are issued to early voters (if there is no access to electronic roll marking facilities), absent voters (electors attending a voting centre outside their enrolled electorate where there is no access to electronic roll marking facilities— s109) and electors who find that their name has already been marked off the roll, but who have not yet voted in the election (s110).

Records are kept of the fact that a person has voted, where that person voted and the type of vote the elector completed – *early*, *absent* or *marked as voted*.

If a person claims they are eligible to be enrolled, but their name cannot be found on the roll, they are asked to complete an enrolment/provisional vote declaration (s108). The elector completes their ballot papers which are sealed in the envelope attached to the declaration. If eligibility is subsequently confirmed, their vote is accepted and their enrolment confirmed. The details captured on the enrolment/provisional vote declaration are the same as those details captured on an enrolment form. In addition, the elector is asked to provide Proof of Identity which can be an Australian Driver Licence, a current Victorian Council rates notice or a current electricity account. If the elector does not have one of these documents, they can nominate VicRoads, their Council or electricity provider and the VEC will make contact with them to verify their identity.

Silent or itinerant electors are not required to make any declarations regarding their address in any of the circumstances described above.

The VEC implements strict security precautions to ensure that voting secrecy is maintained, and never stores voting preferences in a form that can identify the voter.

Postal voting

A person may apply to the VEC to be a general postal voter (s.24), or may also apply to the VEC after the issue of a writ for an election to vote by post for a specific election (s.101). The information collected by the VEC regarding an actual postal vote (as opposed to the information collected when a person makes an application to become a postal voter) is the same regardless of whether the person is a general postal voter or not.

An application to be a *general postal voter* must include the following information⁸ information:

- title, surname and given names
- residential address
- postal address (if different to residential address)
- date of birth
- gender
- a declaration that the person is eligible to be a general postal voter for one of the reasons specified in s.24.

A separate form is prescribed for applications to be a general postal voter by a person who is unable to sign an application because of physical incapacity⁹

A general postal voter does not need to make repeated applications to vote by post at specific elections. Instead, the VEC records on the Register of Electors the fact that the person is a general postal voter and will automatically deliver or post the specified postal vote declaration and a ballot-paper to the applicant.

An application to *vote by post for a specific election* is made on a form produced at the VEC's discretion for that specific election, which typically requests similar information to that requested for general postal voters, with the addition of the name, title, address and signature of an authorised witness to the application (except if the person is overseas and cannot find an authorised witness. In such circumstances, the applicant must instead include a certified copy of the biographic page of the applicant's passport.). Where an application to vote by post is received from a silent elector the silent elector is required to provide a mailing address for delivery of ballot material, this information is held against the elector record for the election.

If an application to vote by post for a specific election is accepted by the VEC, the VEC must deliver or post the specified postal vote declaration and a ballot-paper to the applicant. The VEC must also record the name of the person to whom the declaration and ballot-paper has been issued and the date of issuing.

Once a postal vote is received by the VEC, records are kept of the fact that the person has voted in the election and that the person voted by post. As stated above, the VEC implements strict security precautions to ensure that voting secrecy is maintained, and never stores voting preferences in a form that can identify the voter. Once the appropriate election manager - or other VEC official - has verified the identity of these people and recorded that they have voted and the means by which they voted, the envelope and the vote are separated.

2.2. Use & Disclosure

The VEC uses voting information to fulfil its statutory functions. All internal uses of the information are either expressly specified by, or necessarily incidental to those requirements. One of the primary uses of this information is to verify a person's identity, especially when the person elects to vote otherwise than on election day at a voting centre in a district in which the voter is enrolled. Directly related to this purpose is that of ensuring that a person does not vote twice, and bringing enforcement action against registered electors who do not vote.

The VEC discloses limited voting information after an election as required by legislation (s.123 (2)). This information must only be provided on request to either a registered political party, or to a Member of Parliament who is not a member of a registered political party and who makes a request in respect of the member's electorate. When so requested, the VEC must provide the following electoral information:

- the names and addresses of electors who voted at an election (other than silent electors and itinerant electors)
- whether the person voted personally or by post (if applicable)

⁸ Some of this information is prescribed in the Electoral Regulations 2002, Schedule, Form C. Other items, such as phone number and/or email address, while not prescribed, are requested to assist in administration.

⁹ Electoral Regulations 2002, Schedule, Form D.

- the location of the voting centre at which a person voted (if they voted at a voting centre for the electoral district for which they were enrolled).

The information provided must only be used in connection with an election. Penalties apply whenever this information is used or disclosed other than for this specific purpose (s.123 (4)).

2.3. Data Quality

When releasing voting information in the limited circumstances described above, the VEC takes all reasonable steps to ensure that it is accurate, complete and up-to-date.

3. Political party registration information

One of the VEC's functions is the registration of political parties, under Part 4 of the EA. This necessarily involves the recording of personal information about the officers and some members of the registered political parties.

The personal information collected under Part 4 is "sensitive information" under the IPA as it is information about an individual that discloses a political opinion and/or membership of a political association. It is, therefore, subject to additional protections. This personal information is collected by the VEC in accordance with IPP 10.1, as it must be collected under law in order for a political party to be registered or to remain registered. All data collected under these provisions is handled in accordance with this policy, the EA, the IPA and the IPPs.

3.1. Collection

Part 4 of the EA sets out the procedures by which an application for the registration of an eligible political party must be made (s.45). It also prescribes procedures for related functions, including the change of the registration of a political party (s.51), the review of the registration of a political party (s.52), and the deregistration of a political party (ss.53-57). Each of these procedures either allows or requires the VEC to collect personal information.

Application to register a political party and reviewing that registration

The following personal information must be included with a registration application, and may also be required by the VEC when reviewing the registration of a political party:

- the signature of the secretary of the political party (s.45(2)(a))
- the name and address of the person who is to be the registered officer of the political party (s.45(2)(c))
- the names and addresses of at least 500 members of the political party (s.45(2)(f))
- under Part 4 of the EA, a reference to the registered officer of a registered political party may also include a reference to a person nominated to be the deputy registered officer of the political party (s.44(2)). Therefore, the name and address of the deputy registered officer of the political party may also be included in an application to register a political party.

In compliance with IPP 1.5, the VEC provides instructions to political parties seeking registration (in the VEC's publication, 'Registration of Political Parties – Electoral Act 2002 – Applicants' Handbook') that the proposed registered officer of the political party should be informed that his/her personal details will be provided to the VEC in connection with the application to register the political party and that his/her name and contact address will be made public. The application to register a political party, which is signed by the secretary of the political party, also expressly states that the name and contact address of the registered officer of the political party will be made public. Similarly, the VEC provides instructions to the effect that the at least 500 members of the political party whose names and addresses are provided under s45(2)(f)) should be informed that:

- their personal information will be provided to, and held by, the VEC in connection with the application to register the political party and
- the VEC may contact each member to verify the details that the person has provided.

Application to change the register of political parties

A registered political party may apply to change the name of the political party, the name of the registered officer of the political party, or the address of the registered officer of the political party (s.51 EA). The name and address of the deputy registered officer of the political party may also be changed.

All such applications must include the signature of the secretary of the political party. Depending on the nature of the application, the following personal information will also be included:

- the new address of the registered officer or deputy registered officer of the political party, or both, and
- the name and address of the new registered officer or deputy registered officer of the political party, or both.

De-registration of registered political parties

There are three means by which a registered political party may be de-registered:

- voluntary de-registration on an application by the political party (s.53)
- automatic de-registration by the VEC through a failure by the political party to endorse candidates (s. 54), or through a failure by the political party to provide information or documents requested by the VEC (s.55), or
- deregistration on other grounds (s.56).

In circumstances where the VEC is satisfied that a registered political party is liable to be de-registered on other grounds (point 3, above), the VEC must notify the registered officer of the political party of the reasons of the VEC for considering doing so. The registered officer of the political party, or 10 members of the political party, may lodge a statement setting out why the political party should not be de-registered. If 10 members of the political party lodge the statement with the VEC, the statement must include the names and addresses of the 10 members, as well as a statement that they are members of that political party.

3.2. Use & Disclosure

As described in the following sub-sections, the VEC uses political party information to fulfil its statutory functions. All internal uses of the information are either expressly specified by, or necessarily incidental to those requirements. These uses include determining that a political party may or may not be registered, reviewing the registration of political parties, and de-registering political parties by request or otherwise.

The VEC discloses personal information collected in relation to its obligations concerning political parties in the following two instances, both governed by legislation.

i. Publication of notice of application

The VEC must publicly advertise and publish - in the Government Gazette - a notice of the application for registration of a political party (s49(1)). The notice is required to set out the particulars specified in the application in accordance with s45(2). The notice must include the personal information (name and contact address) of the registered officer of the political party, but it does not include the names and addresses of the 500 members of the political party that must be included when making an application to register a political party.

If a registered political party applies to change its name under s.51, then the VEC must publicly advertise and publish - in the Government Gazette - a notice in the same format as above.

ii. Public inspection of Register of Political Parties

The VEC must make the Register of Political Parties available for public inspection free of charge at the office of the VEC (s.59). The Register of Political Parties must include the name of the political party, as well as the name and address of the registered officer of the political party (s.50). The register is also available online at vec.vic.gov.au

3.3. Data Quality

The VEC takes all reasonable steps to ensure that the personal information it collects uses and discloses is accurate, complete and up-to-date. Specific procedures are provided by legislation for an individual to correct any errors in the personal information held by the VEC. When the VEC reviews an application to register a political party, the VEC contacts all - or some - of the (at least) 500 members of the political party that must be named in an application to register a political party. This serves two purposes: the VEC first confirms that the person is a member of the political party applying for registration, and secondly, the VEC confirms that the statements made by the secretary of the political party about these members' personal information are accurate.

4. Candidate information

In order to conduct elections, the VEC accepts nominations of candidates. This is done in accordance with Part 5 Division 3 of the EA. A candidate may or may not be endorsed by a registered political party¹⁰. Once nominated, candidates have responsibilities in relation to election expenses and funding, and ultimately the number of votes cast for them are recorded and communicated as required by the EA. The EA also makes provision under Part 5 Division 5 for the registration of how-to-vote cards, and under Part 12 for a candidate to make a claim for election expenses in specified circumstances.

The personal information collected about candidates is "sensitive information" under the IPA, as it is information about an individual that discloses a political opinion and/or membership of a political association. It is thus subject to additional protections. This personal information is collected by the VEC, as discussed below, in accordance with IP 10.1 as it must be collected under law in order for a candidate to be nominated for an election, for a how-to-vote card to be registered, or for an election entitlement to be paid.

4.1. Collection

The VEC collects personal information about candidates in three circumstances.

i. Nomination of candidates

The EA sets out the procedure by which a person may nominate to become a candidate for an election (s.69). The required information differs depending on whether or not the candidate is endorsed by a registered political party.

The candidate's name and address information must be provided in the case of all nomination applications and Legislative Council nominations must also include the suburb or locality in which the candidate's address is located. The VEC also requires that the candidate provides contact information that will be provided to the general public. The contact information may either be the contact information of the candidate personally, or of another relevant person.

The nomination application submitted by an independent candidate for the Legislative Assembly (Lower House,) must also be signed by six people entitled to vote at the election for which the candidate is nominated. These six people must also provide personal address and date of birth information to allow the VEC to verify their identity.

The nomination application submitted by an independent candidate for the Legislative Council (Upper House) must also be signed by 50 people entitled to vote at the election for which the candidate is nominated. These 50 people must also provide personal address and date of birth information to allow the VEC to verify their identity.

ii. How-to-vote cards

The EA sets out the procedure for registering how-to-vote cards (ss.77 & 79). How-to-vote cards must be registered by the VEC in order to be able to be distributed within a legislated distance of a voting centre on an election day (s. 156). Registered how-to-vote cards may be provided to election managers for inclusion in folders carried by election officials conducting mobile voting. How-to-vote cards may list the names of any or

¹⁰ Candidates that are not endorsed by a registered political party are referred to as independent candidates.

all of the candidates for an election and may also disclose whether a candidate is a member of a political party.

For local government elections how-to-vote cards must be registered by the returning officer for the election

In order to register a how-to-vote card, the person applying to register the card must submit a copy of the card, together with a declaration. In addition to stating the applicant's name and contact address and telephone details, the declaration must state that the applicant is authorised to submit the how-to-vote card for registration. If the how-to-vote card is submitted by or on behalf of a candidate, the declaration must also include the candidate's name and signature.

iii. Election expenditure

A statement of election expenditure may be provided to the VEC by a registered political party, or by an independent candidate, in order to claim for election expenses following an election (s. 208). The statement must declare that the registered political party, or the independent candidate, has incurred election expenses in relation to an election that were either:

- not less than the amount that the registered political party or the independent candidate is authorised to receive under the EA or
- less than the amount that the registered political party or the independent candidate is authorised to receive under the EA, being the amount specified in the statement.

A certificate of an independent auditor advising that the statement has been audited must be provided with the statement of election expenditure.

Thus, in circumstances where an independent candidate in an election provides a statement of election expenditure, the VEC is collecting personal information about that candidate. Moreover, if the VEC is satisfied that the information provided in the statement or the auditor's certificate is materially incorrect, it may request the auditor or, failing the auditor's response, the candidate, to provide further information.

4.2. Use & Disclosure

The VEC uses candidate information to fulfil its statutory functions. All internal uses of the information are either expressly specified by, or necessarily incidental to those requirements. These include processing nomination applications, processing how-to-vote card registration applications, and the payment of election expenses in authorised circumstances.

The VEC discloses candidate information in a number of ways, each of which is governed by legislation.

Public inspection of candidate information

After the issue of the writ for an election, the VEC must make the names and contact details of the candidates for an election available for public inspection, as well as the name of any person who has ceased to be a candidate (s.68). The names of candidates for an election must also be displayed in the election manager's office (s.73).

Ballot-papers

The responsibilities of the VEC also include printing ballot-papers for an election. The ballot-papers must include the names of all candidates for the election and, where appropriate, the name of the registered political party that has endorsed a candidate (s.74). In the case of ballot papers for a region the suburb or locality of each candidate's enrolled address must also be included.

How-to-vote cards

If the VEC registers a how-to-vote card, it must make a copy of the card available for public inspection at the office of the VEC and publish a copy of the card on the website maintained by the VEC (s. 82).

If a registered how-to-vote card is in relation to a local government election, the returning officer must make a copy of that card available for public inspection at the Election Office and publish on the web details of persons submitting a how-to-vote card for registration and if the how-to-vote card was submitted on behalf of another person, organization or group, the name of that person, organization or group.

Clerk of the parliament

Candidates' details may also be provided to the Clerk of the Parliament for the purpose of contacting successful candidates in relation to their introduction into Parliament.

4.3. Data Quality

The information about candidates that is released by the VEC is fundamental to the running of an election. The VEC thus accords the highest priority to ensuring that this information is accurate, complete and up-to-date.

5. Human resources information

The treatment of personal human resources information is governed by the IPA, but with many requirements flowing from such other legislation such as the *Public Administration Act 2004* and other employment related laws. The information handling provisions of the EA do not apply to human resources information, except to the extent that the VEC is authorised to employ staff to perform its functions (ss.17 & 18).

5.1. Collection

Personal information

Personal information relating to employees¹¹ is only collected when it is necessary for the VEC to perform one or more of its functions or activities. Personal information includes an opinion held about an employee regarding, for example, work performance. The Human Resources Manager will have responsibility for ensuring that all human resources documents created within the VEC are held securely in accordance with the IPPs.

Sensitive information

In most circumstances, the VEC does not collect sensitive information about an employee. (See 1.2 above for a definition of sensitive information.) The limited circumstances in which the VEC collects sensitive information (such as trade union membership, criminal record and disclosures relating to political activities) include when the individual has provided their specific consent to the collection or when the collection is authorised under law, thereby complying with IPP 10.

Section 17A of the Electoral Act 2002 provides that (in accordance with section 75 of the Equal Opportunity Act 2010) the Victorian Electoral Commission (VEC) may discriminate against a person in relation to offering employment (or appointment as a member of the Audit Committee of the Commission) on the basis of that person's political belief or activity.

Disclosure of this information does not necessarily mean that a candidate for employment will not be employed. Disclosure will however, give the VEC the opportunity to consider whether it would be suitable for the candidate to work in certain areas or on certain elections. For example, a person who had been involved

¹¹ In this section, 'employees' is used as shorthand for both permanent and temporary employees, and individual consultants and contractors.

in lobbying their local council on a particular issue may be excluded from working on projects related to that particular council.

Preferred applicants will be offered the role subject to the satisfactory assessment of a disclosure of political activities. Specifically, the VEC will ask if the applicant:

- is, or has been, a member of any political party in the State, Territory or Commonwealth in the past 15 years
- has been involved in a course of conduct within the past 15 years directed to supporting the aims of a political party or an independent candidate in a State, Territory or Federal election
- has held the office of councillor for a Victorian local council within the past 15 years
- have been involved in a course of conduct directed towards supporting the political aims of a local councillor within the past 15 years
- has publicly engaged in conduct promoting a political position in respect of an issue currently before the electorate in the election for which they are to be employed or
- is a member of a lobby group (not being a union or professional association), which promotes a political position in respect of an issue currently before the electorate in the election for which they are to be employed.

The VEC also encourages existing staff to disclose any activities they have been involved in that are consistent with the exemption criteria, so that any such activities can be considered when allocating projects.

When collecting personal and/or sensitive information, the Human Resources Manager, or the appropriate Manager will inform employees why the information is being collected and advise them that they can access the information on request. This includes informing employees that they will be subject to performance evaluations, and that those evaluations will be used to assist in determining future employment.

Employee id

The VEC assigns each employee an employee id. The employee id is a 'unique identifier' as defined in the IPA. The VEC complies with the 'unique identifiers' principle of the IPA (IPP 7) by virtue of its judgement that assignment of employee ids is necessary to enable the VEC to carry out its functions efficiently.

Closed circuit television (CCTV)

Some areas of the public-activity areas of the VEC's offices are under closed circuit television (CCTV) surveillance for security reasons. Although not required by law, these areas are identified by signs. In accordance with current legislation, no private-activity areas are under surveillance. The recorded information is securely held for ten days and then destroyed.

5.2. Use & Disclosure

The VEC uses and discloses personal human resources information only in accordance with its functions and other relevant legislation. However, that use and disclosure must also be in accordance with the IPPs.

General use and disclosure

Access to human resources information is restricted primarily to the Human Resources Manager, although appropriate managers and other employees (including contracted staff) may access this information on a job-specific basis. All employees who have access to any form of personal human resources information, including the Human Resources Manager, must not:

- use, release, disclose or study the information for any reasons other than in the performance of their duties
- take improper advantage of any information gained in the course of their employment (e.g. commercial purposes) or
- use the information for any purpose other than the primary purpose of its collection, or unless it is reasonable to use that information for a related (secondary) purpose.

If there is any doubt about whether the information should be released or used in any way, the Human Resources Manager, or the relevant Manager will inform the employee exactly how the information will be used, and where appropriate, obtain their consent. When data is collected that can identify the employee who provided it (e.g. qualitative answers to a questionnaire) the employee should be fully aware of how the information will be used, including whether it will be disclosed outside of the VEC.

The VEC employee ID is not transferred to other organisations unless it is reasonably necessary for the performance of one or more of the VEC's human resources functions.

Requests for information from third parties

Personal details of employees must not be released to a third party (e.g. banks) for purposes unrelated to VEC functions without the written consent of the person concerned (or where required or authorised by law). Where personal information is released to a third party for such purposes, a file notation is made detailing consent and the nature of the information provided to the third party.

The Human Resources Manager, in consultation with the Information Privacy Officer, will have responsibility for dealing with all requests for personal human resources information by external organisations, including State and Federal Police, other government departments and insurance companies and assessors.

Collecting and Maintaining Health Information

Health information relating to any employee is only collected to the extent that it is necessary for the VEC's human resources functions. Whenever possible, consent from the person concerned is obtained prior to the collection of such information.

All health-related documentation, including medical certificates or documents relating to WorkCover claims, is either received directly by the Human Resources Manager or forwarded to that manager as soon as possible after receipt.

The VEC requests and may collect health information when a person registers for employment. The provision of this information is optional and if provided, is used for the purpose of ensuring a suitable physical work environment is provided and to guide the allocation of tasks.

All information collected this way is handled in accordance with the

5.3. Data Quality and security

The Human Resources Manager is responsible for ensuring that all personal human resources information collected is held securely and confidentially, and is accurate, up-to-date and complete. The VEC will only provide access to the personal information of an employee to a third party in accordance with legislation.

5.4. Access and correction

Employees have the right to access health information collected about them from health service providers and other private sector organisations under the *Health Records Act 2001*, or government agencies under the *Freedom of Information Act 1982* (FOI Act).

In addition to the general principles regarding access and correction of personal information, employees are entitled to access their personal human resources records under supervision of the Human Resources Manager, and may obtain a copy of any relevant document. Employees may also request the removal or correction of incorrect data.

An employee may also request access to personal information held about them by the VEC under the FOI Act. Under that legislation, an employee may request amendment, correction or deletion of inaccurate, incomplete or out of date personal information about him or her held by the VEC.

If an employee requests the correction of information relating to him or her, a decision will be made and communicated to the employee within 14 days. If required, the correction or amendment will be made as soon as practicable. If the employee disagrees with a decision, the Part V of FOI Act allows for personal record amendment or annotation. A statement by the individual may be included in the personal record claiming that the information is not accurate or is incomplete or not up to date, or a file note may be included noting that the employee disagrees with the information.

6. Miscellaneous Contact Information

In the course of the performance of its functions, the VEC collects miscellaneous contact information about people in addition to that described in the preceding parts of this policy. This information is personal information that is subject to the IPPs and, with limited exceptions, should not be disclosed.

6.1. Collection

The VEC will only generally collect miscellaneous personal contact information that a person chooses to provide. Examples of personal contact information that is collected by the VEC include:

- contact information of people who contact the VEC with general enquiries and complaints, including representatives of media organisations
- emergency contact information of VEC employees
- business contact information of people who are employees or agents of businesses with which the VEC engages to provide goods or services
- the VEC's reception area and other public areas are under overt optical (CCTV) surveillance for security purposes, and there is a public notice to this effect (the data is held for up to two weeks)
- visitors to the VEC offices requiring entry beyond the public area are required to provide their name and company details for a temporary visitors pass (this information is destroyed after seven years).

6.2. Use & Disclosure

Information collected about private individuals making general enquiries and complaints is only used in order for the VEC to respond to those enquiries and complaints. This information is not disclosed or added to any mailing list without the individual's consent, and is destroyed after the administrative purpose has been fulfilled.

The VEC does not generally disclose business contact information. However, it is reasonably expected that individuals who provide personal business contact information consent to the VEC providing this information to other people or agencies that wish to engage the services, or purchase the goods, of the business. It is only in this limited circumstance that the VEC will disclose contact information.

6.3. Data Quality

The VEC will take all reasonable steps to ensure that the personal contact information that it collects is accurate, complete and up-to-date.

7. Principles with which compliance is common across classes of personal information

7.1. Data Security (IPP4)

The VEC's security measures include physical (building) security; appropriate controls over access to electronic data (IT security), and staff training and awareness; and apply both to the VEC's permanent premises and infrastructure and to the temporary accommodation and equipment in use during elections.

Building security is designed as much for the safety of staff and protection of property, but also serves to limit unauthorized access to personal information. Access to VEC premises is controlled and visitors recorded and supervised.

Staff training and awareness measures are covered in more detail in section 8.2 of this document, but include making all employees and contractors aware of the importance of safeguarding personal information against unauthorised access and use. All staff and contractors are required to read and sign a confidentiality agreement.

7.2. IT Security

The VEC's IT facilities are administered by the VEC staff and in some cases contractors managed by VEC staff. There are two permanent sites, the VEC's Head Office and the warehouse which have access to all the VEC's computing facilities.

During State or local government elections the VEC expands the network as temporary election offices and early voting centres are established. These offices will have access to a range of the VEC's applications depending on the role of the user. On Election Day the VEC provides each Voting Centre with a read-only database of the electoral roll for establishing the enrolment status of electors. Early voting centres and a limited number of Election Day Voting Centres will have network enabled devices that can look up and mark voters as having voted. In addition limited access is provided to some of the VEC's applications for the call centre providing the Telephone Enquiry Service and inter-state and overseas offices at State elections.

IT Security precautions are designed to safeguard information (including human resources and other personal information) against a number of risks, including:

- loss of data
- corruption of data
- unauthorised modification
- unauthorised (internal) access by VEC staff and contractors
- unauthorised (external) access by third parties – including by 'hacking'.

Precautions include regular back-up with off-site storage and a number of network security layers.. All VEC users are required to provide a user id and password to access the VEC's network and the VEC's applications implement degrees of access control to ensure that the user can only access the information relevant to their role. Additionally all transactions involving the electoral information databases are logged and can be used to provide an audit trail. Unauthorised attempts to log on to the VEC systems are reported if detected

7.3. . Disposal

Personal information on paper is disposed of securely when it is no longer required. Various arrangements apply to the return or disposal of electronic information received from other agencies, and these are periodically reviewed to ensure secure means.

The VEC's policy is to ensure that personal information held in electronic form is also deleted once it is no longer required. The requirements of the *Public Records Act 1973* are relevant.

7.4. Openness (IPP 5)

The VEC's public information about privacy includes privacy notices in its forms and correspondence; a concise privacy statement prominently featured on the VEC [website](#) and available as a leaflet, both with a link to the Information Privacy Policy and these guidelines.

On receipt of a request from a specific individual, the VEC will assist them to understand if it is likely to hold any personal information about them, and make clear to them their rights under IPP 6 and the *Freedom of Information Act 1982* (FOI Act) to obtain access to that information and to make any necessary corrections.

7.5. Access and Correction (IPP 6)

Individuals have rights of access and correction in relation to any personal information about them held by the VEC, subject to a range of exemptions (or grounds for withholding information and declining to correct). These rights apply equally to personal human resources information.

The FOI Act already provides for access to information held by government agencies, including the VEC, and includes specific rules relating to access to and amendment of "information relating to the personal affairs of any person". The Victorian Privacy Commissioner has advised that agencies can comply with IPP 6 by following the processes laid down in the FOI Act. Further information about VEC's FOI process is available at vec.vic.gov.au.

Electors are able to verify their enrolment details through a lookup facility on the VEC's website. The lookup facility does not allow the electoral roll to be searched and will only confirm the elector's details are correct if there is an exact match between the name and address supplied to the lookup facility and the current enrolment details held on the VEC's database.

8. Compliance with other aspects of the Information Privacy Act

8.1. Enquiries and Complaints

Enquiries about this Information Privacy Policy or complaints about breaches of the Information Privacy Principles, the VEC Information Privacy Policy or these guidelines, by the VEC or its agents should be directed to:

The Information Privacy Officer
Victorian Electoral Commission
Level 11, 530 Collins Street
Melbourne Victoria 3000
Local call within Victoria: 131 VEC / 13 18 32
From outside Victoria: +61 3 8620 1100

Email privacy@vec.vic.gov.au

Individuals may also contact the Victorian Privacy Commissioner, but should be aware that the Privacy Commissioner will generally expect them to have taken any concerns up with the VEC in the first instance.

The contact details for the Victorian Privacy Commissioner are:

Privacy Victoria
Level 11, 10-16 Queen Street
Melbourne Victoria 3000
Telephone: 1300 666 444
Facsimile: 1300 666 445
Email: enquiries@privacy.vic.gov.au

If individuals are dissatisfied with the response of the VEC, they can take their complaint up with the Privacy Commissioner who may either seek to conciliate the matter or suggest that it be referred to the Victorian Civil and Administrative Tribunal (VCAT) for a hearing. The VCAT can, if it finds an IPA complaint proven, make a variety of orders including an order for compensation.

8.2. Staff training

The Information Privacy Awareness officer, through the Human Resources Manager, will have responsibility for implementing and maintaining training measures to inform new and existing staff about the application of the IPA and, where appropriate, the EA. These training measures will educate staff about the privacy protections afforded by the IPA, and will relate those protections to each individual staff member's responsibilities.

New staff members will receive training about the IPA as part of their induction to the VEC. Existing staff members will receive training on an annual basis in order to update staff regarding any changes to the IPA, to inform staff about any areas of non-compliance with the IPA during the preceding year, and to generally remind staff of their important obligations under the IPA.

All staff members who interact with the general public must have a sufficient understanding of the IPA to be able to answer general enquiries regarding the VEC's compliance with the Act, and must know where to refer more specific enquiries.

8.3. Monitoring compliance

Responsibility for ensuring that the VEC complies with the IPA rests with the Electoral Commissioner, assisted by staff. Where appropriate, and in accordance with this policy, other members of staff will have specified responsibilities to monitor compliance with the IPA.

The Information Privacy Officer will ensure the maintenance of appropriate registers that document that the VEC is complying with the IPA, and will consult with appropriate staff members regarding the content of these registers, as well as the content of any procedures or policies developed to ensure the VEC's compliance with the IPA.

8.4. Reporting

The VEC will include a summary of privacy-related issues and activities in its Annual Report. This summary will include statistics on the number and type of privacy complaints and requests for access to or correction of personal information that fall outside regular enrolment information updates performed through the VEC Roll Management System (RMS). In accordance with s.35, the summary will also include information in relation to all provisions of enrolment information under s.34 and on any finding made under that section during the 12 months preceding 30 June.

6 Endorsement of Guidelines

Date approved:	March 2014	Date Policy will take effect:	Existing	Date of Next Review:	July 2015
Approved by:	VEC Management Group			TRIM #	D13/3055
Custodian title:	VEC Information Privacy Officer				
Author:	Executive Services				
Responsible branch	Executive Services				
Supporting documents, procedures & forms of this policy:	Records Management Policy Privacy Information and Guidelines Inappropriate access to personal information - reporting procedures Staff confidentiality agreement Electronic register system procedures				
References & Legislation:	Public Records Act 1973 Freedom of Information Act 1982 Information Privacy Act 2000				
Audience:	VEC employees, appointees and contractors.				

7 Version control and change history

Version Control	Date Effective	Approved By	Amendment
1			

