

Privacy policy

1. Preamble

The Victorian Electoral Commission (**VEC**) is bound by the *Privacy and Data Protection Act 2014 (PDPA)*, Health Records Act 2001 and other laws that impose obligations on the handling of personal and health information that directly or indirectly identifies a person (**personal information**). This policy is compliant with the laws.

This policy gives direction to VEC officers on the management of personal information. The policy supports the VEC's need to collect information and the right of the individual to privacy. It ensures that the VEC can collect personal information necessary for its services and functions:

- while recognising the right of individuals to have their information handled in ways that they would reasonably expect
- in ways that protect the privacy of their information.

The VEC will update and amend this policy at its absolute discretion.

The VEC will communicate changes to affected employees.

2. Definitions

Word/term	Definition
Health information	<p>As defined by the Health Complaints Commissioner, health information may include details about an individual's</p> <ul style="list-style-type: none"> • Physical, mental or psychological health • Disabilities • Use and future use of health services • Wishes regarding specific health services or treatments • Personal information collected in relation to the provision of health services • Genetic information. <p>Examples of health records include sick leave certificates, medication lists, vaccination status</p>

Word/term	Definition
Personal information	The <i>Privacy and Data Protection Act 2014</i> defines personal information as information or an opinion (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 reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies;
Sensitive information	The <i>Privacy and Data Protection Act 2014</i> defines sensitive information. Sensitive information means information or an opinion about an individual's— (a) racial or ethnic origin; or (b) political opinions; or (c) membership of a political association; or (d) religious beliefs or affiliations; or (e) philosophical beliefs; or (f) membership of a professional or trade association; or (g) membership of a trade union; or (h) sexual preferences or practices; or (i) criminal record— that is also personal information

3. Scope

This policy applies to:

- information collected on all persons, received, and/or stored by the VEC with no exclusions
- VEC employees, appointees, and contractors, including advisory boards, and ambassadors
- service providers engaged under an outsourcing arrangement
- all aspects of the VEC's business operations.

4. Policy statement

The VEC is committed to safeguarding and preserving the privacy of personal information it receives, collects, and stores. VEC officers will handle personal information according to this policy.

VEC staff must undertake mandatory PDPA training, at induction, and on an annual basis.

4.1 Collection of personal information

The VEC will only collect personal information that is reasonably necessary for the performance of its functions as detailed in the *Electoral Act 2002*, the *Local Government Act 2020* and *Infringements Act 2006*.

The VEC has the following key functions:

- Holds State elections, local government elections and some statutory elections and polls
 - Maintains the register of Victorian electors
 - Promotes public awareness and understanding of electoral issues
 - Conducts evaluation and research programs relating to electoral issues and democracy in the public interest
 - Supports the Electoral Boundaries Commission
 - Administers Victoria's political funding and disclosure rules
 - Investigates Electoral integrity issues
- Administration of VEC e.g., HR, Finance

The VEC will obtain this information through lawful, fair and not unreasonably intrusive means.

When collecting personal information, the VEC must take reasonable steps to advise what information is being sought, for what purpose, whether any law requires the collection of the information, and the main consequences, if any, of not providing the information.

4.2 Access to personal information by VEC officers

The VEC restricts access to personal information. VEC officers will have access to personal information when it is necessary.

VEC officers must:

- handle personal information with discretion
- follow this privacy policy and guidelines issued by the policy owner.

4.3 Use and disclosure

Unless authorised by the person, or by legislation, the VEC will use and disclose personal information:

- for the primary purpose of collection, or
- for a directly-related secondary purpose, or
- for another purpose, with the person's consent, or
- if required, permitted or authorised by law.

A collection notice must say the VEC can use and disclose information for the authorised use and disclosure, and may use and disclose for a directly-related secondary purpose. The VEC's general collection notice is online at vec.vic.gov.au/privacy.

4.4 Quality, access, and correction

The VEC will make every reasonable effort to ensure that personal information it collects and/or stores is accurate, complete and current.

With a small number of exceptions (included in the PDPA and with reference to the *Freedom of information Act 1982*) any person has the right to receive reasonable access to their own information held by the VEC and to seek corrections to their own information. The VEC will take reasonable steps to correct personal information so that it is accurate, complete, and current.

4.5 Security of personal information

VEC must have procedures, physical, software and hardware safeguards, access controls, secure methods of communication, and back-up and disaster recovery systems, to protect information from misuse and loss, unauthorised access, modification, and disclosure, in line with the Victorian Protective Data Security Standards.

The VEC must use security controls to manage access to publicly available information.

As a security control, VEC officers must authorise destruction of information, including personal information, as soon as reasonably possible, according to the Records and Information Management Policy and relevant retention and disposal authorities.

4.6 Sensitive Information

The limited circumstances in which the VEC collects sensitive information include when the individual has provided their specific consent to the collection or when the collection is authorised under law.

When collecting sensitive information, VEC staff must describe why the information collection is necessary, and tell the individual that the information is available, on request.

4.7 Unique Identifiers

The VEC only creates unique identifiers where they are required to enable it to carry out its legislative obligations.

The VEC will not request a unique identifier created by another organisation unless required by law, nor will the VEC use or disclose a unique identifier created by another organisation unless there is a lawful basis for doing so.

4.8 Anonymity

The VEC allows individuals to remain anonymous wherever possible. However, there are some circumstances where personal information will be required, such as being on the electoral roll and being marked off when voting.

4.9 Transfer of information outside Victoria

Generally, the VEC will not send your personal information outside Victoria. In the rare cases that this may be necessary, for example if data transfer is required to the Australian Electoral

Commission, the VEC will only send this personal information if the recipient of the information is bound by a scheme that is substantially similar to the IPPs or the VEC has obtained your consent.

Any other transfers of information outside Victoria will be made in accordance with the provisions of the PDP Act.

5. Reporting inappropriate management of personal information

VEC employees must report to the VEC Privacy Officer any incidents of interference with an individual's privacy, any privacy breach (real or perceived) and any mismanagement of personal information.

If the public wish to make a privacy enquiry or complaint, they can contact the Privacy Officer via email on privacy@vec.vic.gov.au.

6. Roles and responsibilities

Privacy officer

The VEC Privacy Officer must:

- train and educate VEC officers on their privacy obligations
- provide advice regarding privacy and personal information.
- manage privacy complaints

If VEC staff have questions about how to manage personal information, they should consult with the Privacy Officer.

Queries from the public relating to privacy of personal information should be directed to the Privacy Officer at privacy@vec.vic.gov.au or 03 8620 1100.

Electoral Commissioner

The Electoral Commissioner is responsible for ensuring the implementation of and compliance with this policy.

Employees

All staff must:

- comply with this policy and any privacy procedures issued by the policy owner
- consult with the Privacy Officer, as necessary.

Wrongful, unauthorised or accidental access, use or disclosure of personal information that constitutes a breach of privacy may result in disciplinary action.

7. Policy endorsement

Date Approved	April 2023	Date Policy will take effect	Existing policy	Date of Next Review	April 2025
Approved by	A/g Executive Director, Corporate Services				
Custodian	Manager, Information Protection				
Branch	Information and Knowledge Management				
References and Legislation	<i>Electoral Act 2002</i> <i>Freedom of Information Act 1982</i> <i>Health Records Act 2001</i> <i>Local Government Act 2020</i> <i>Infringements Act 2006</i> <i>Privacy and Data Protection Act 2014</i> , including Information Privacy Principles <i>Public Records Act 1973</i>				

8. Version control

Version Control	Date Effective	Approved By	Amendment
1	2013	(Acting) Commissioner	Redeveloped policy
2	June 2015	Privacy Officer	Updated to reflect <i>Privacy and Data Protection Act 2014</i> plus minor text amendments
2.1	April 2017	HR	Amending of links to legislation and internal links to other VEC policies.
3	July 2019	Executive Management Group	Redeveloped policy
3.1	April 2023	A/g Executive Director, Corporate Services	Minor amendments to better reflect OVIC privacy policy guidance