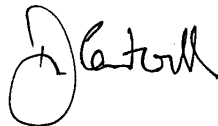


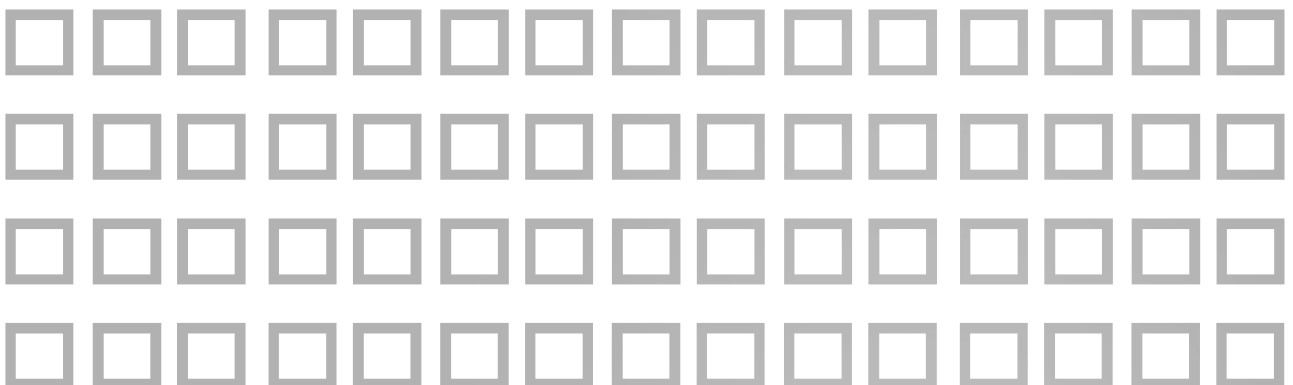
ACT Electoral Commission

Privacy policy



Signed by the: ACT Electoral Commissioner

May 2022



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1. Overview

This policy applies to personal information collected by the ACT Electoral Commission (Elections ACT). The purpose of the policy is to:

- clearly communicate the personal information handling practices of Elections ACT;
- enhance the transparency of Elections ACT's operations; and
- provide individuals with a better and more complete understanding of the sort of personal information Elections ACT holds and the way Elections ACT handles that information.

The specific legal obligations of Elections ACT when collecting and handling your personal information are outlined in the Information Privacy Act 2014 and in particular, in the Territory Privacy Principles (TPPs) found in the Act. The TPPs set out standards, rights and obligations for how we handle and maintain personal information. This includes how we collect, store, use, disclose, quality assure and secure personal information, as well as your rights to access or correct your personal information.

This statement is made in accordance with Territory Privacy Principle 1.3 of the [Information Privacy Act](#).

1.1 The ACT Electoral Commission

The ACT Electoral Commission is an independent statutory authority established by the Electoral Act 1992.

The Commission and the Electoral Commissioner exercise powers under the:

Electoral Act 1992

[Referendum \(Machinery Provisions\) Act 1994](#)

[Aboriginal and Torres Strait Islander Elected Body Act 2008](#)

[Health Professionals Act 2004](#)

[Public Sector Management Act 1994](#)

[Financial Management Act 1996](#)

[Territory Records Act 2002](#)

[Freedom of Information Act 1989](#)

1.2 Anonymity and pseudonymity

In general, you have the right to interact anonymously (not being identified by name) or pseudonymously (using a fictitious name) with Elections ACT. There are circumstances, however, where it is impractical for us to deal with individuals without knowing their identity. This is particularly the case when interacting with Elections ACT in matters relating to enrolment. As these matters involve individual rights, obligations and matters of privacy, Elections ACT will need to establish your identity prior to disclosing confidential or personal information related to you. This is for the purpose of protecting you against the unauthorised disclosure of personal information.

In general contact with Elections ACT, it is unlikely that you will be required to provide your real identity and it is unlikely that you will be disadvantaged by dealing anonymously or pseudonymously with us. If you wish to do so, please advise us as early as possible.

Elections ACT will not disclose personal information about one person to another person except in limited and specific circumstances.

2. Personal information handling practices

2.1 Collection of personal information

2.1.1 Means of collection

In carrying out its functions and activities, Elections ACT usually collects personal information about individuals directly from those individuals or their authorised representatives. However, Elections ACT may also obtain personal information from third parties including information that is collected by other Australian, state and territory government bodies.

Such information is collected only when it is necessary for, or directly related to, functions or activities under the Electoral Act and the Referendum Act and subordinate laws made under those Acts (collectively referred to as 'Electoral Legislation').

Elections ACT collects this personal information in a variety of ways, including paper forms, electronically including online (through our website, as well as email), over the telephone and via secure data-sharing arrangements with other Australian, state and territory government bodies.

2.1.2 Kinds of personal information collected

Elections ACT only collects personal information where that information is reasonably necessary for, or directly related to, one or more of our functions or activities.

The personal information we collect and hold will vary depending on what we require to perform our functions and responsibilities. Depending on the function being performed by Elections ACT and your connection to Elections ACT, it may include:

- name, address and contact details (such as telephone and email)
- information about your identity (such as date of birth, country of birth and drivers license details)
- other personal circumstances information (such as age, gender, marital status and occupation)
- information about your financial affairs (such as payment details including bank account and superannuation details and information about business and financial interests)
- information about your employment (such as applications for employment, work history, referee comments and remuneration)
- government identifiers (such as Australian Government Service numbers)
- correspondence from members of the public or organisations to Elections ACT, including correspondence passed on to Elections ACT by a third party
- complaints (including complaints relating to privacy) and feedback provided to us
- requests made to us under the Freedom of Information Act 2016 (FOI Act)
- legal advice provided by internal and external lawyers
- employment and personnel matters for our staff and contractors.

Sensitive information is handled with additional protections under the Information Privacy Act.

Sensitive information is information that is about an individual's:

- racial or ethnic origin
- religious beliefs
- health (including information about medical history and any disability or injury)
- criminal activities
- biometrics.

2.2 Use and disclosure of personal information

Elections ACT collects and holds personal information for the purpose of carrying out its functions and activities. In some cases, Elections ACT may use or disclose personal information for a purpose other than that for which it was collected. However, Elections ACT will not give your personal information to other government agencies, private sector organisations or anyone else, unless you consent or one of the following exceptions applies:

- you would reasonably expect us to use the information for that other purpose
- it is legally required or authorised, such as by the ACT Electoral Act, court or tribunal order (this includes statutory provisions, the exercise of the Executive authority of an Australian government, as well as the more general application of the common law)
- we reasonably believe that it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in and we reasonably believe that sharing the information is necessary in order for appropriate action to be taken.

The ACT Electoral Act provides for public inspection of the ACT electoral roll.

The ACT Electoral Act provides for lawful disclosure of electoral roll information to a range of organisations prescribed in law for a purpose also prescribed in law, but it also prevents any further use or disclosure of that personal information for any other reason than the purpose prescribed in law.

Access to personal information by third parties, including requests by authorised representatives of an individual, is only permitted when there is a specific authorisation that refers to the particular information held by Elections ACT.

There is nothing in the ACT Electoral Act that authorises someone holding a power of attorney for another person, to do anything on behalf of an elector who is required to do something under the ACT, because they hold that power of attorney. Accordingly, Elections ACT will not disclose personal information in the absence of a specific authorisation even where a power of attorney has been given.

2.2.1 Sharing information with service providers

Elections ACT will occasionally contract service providers to support it in carrying out specific activities and functions. Sometimes it may be necessary for Elections ACT to share personal information with these service providers to enable them to perform their functions efficiently and effectively.

In these situations we protect personal information by only entering into contracts with service providers who agree to comply with Territory requirements for the protection of personal information.

2.2.2 Disclosure of personal information to overseas recipients

It is unlikely that Elections ACT will disclose personal information collected and held by Elections ACT to any overseas third party.

2.3 Access and correction

2.3.1 Accessing your personal information

You have a right to access personal information we hold about you. That right of access must be exercised by you as the individual and not your nominated representative, unless you have given a specific authorisation that refers to the particular information held by Elections ACT. A power of attorney is not sufficient as the authorisation.

If you wish to request access to your personal information, please [contact Elections ACT](#). Before providing access to your personal information, you will need to verify your identity.

2.3.2 Refusal to give access to information

The Information Privacy Act 2014 and the Freedom of Information Act 2016 sets out circumstances in which Elections ACT can decline access to information.

Generally, where we refuse to give you access, we will give you written notice of the reasons for refusal and the mechanisms available to you to dispute that decision.

2.3.3 Correcting your personal information

You also have a right under the Information Privacy Act 2014 to request corrections to any personal information that we hold about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

If you wish to correct your personal information, please [contact Elections ACT](#). Before correcting personal information about you, we will require you to verify your identity.

If we agree to correct information and that information has previously been shared with another agency, you may request that we notify the other agency of the need to correct that information.

If we refuse to correct the information, we will give you written notice of why we have refused to correct your information and how you may dispute that decision, within 30 days.

If we refuse to correct your personal information, you can request that a statement be linked or attached to that information stating that you believe the information is incorrect.

2.3.4 Accessing or correcting personal information under FOI

It is also possible to access and correct documents held by us under the FOI Act. In some circumstances we will suggest that you make your request under the FOI Act. This is because:

- an FOI access request can relate to any document in our possession and is not limited to personal information
- the FOI Act contains a consultation process for dealing with requests for documents that contain personal or business information about another person
- you can make a complaint to the Australian Information Commissioner under the FOI Act
- if you are refused access under the FOI Act you have a right to apply for internal review or Information Commissioner review of the refusal decision.

Find out more information about how to make a request under the FOI Act on the [Freedom of Information](#) page.

2.4 Integrity of personal information

The Information Privacy Act requires us to take reasonable steps to ensure that the personal information we hold is protected from misuse, interference and loss and is also protected from unauthorised access, modification or disclosure.

We are also required to take reasonable steps to ensure that the personal information that we collect is accurate, up-to-date and complete. This may include correcting your personal information where it is appropriate to do so.

2.4.1 Security of personal information

We aim to protect your personal information from loss, unauthorised access, use, modification or disclosure, and against other misuse. Among other things, we safeguard our information and communications technology (ICT) systems against unauthorised access and ensure that paper files are held securely. We also ensure that access to your personal information within our systems is only available to those people who need to have access in order to do their work.

If a data breach occurs we will respond in line with Office of the Australian Information Commissioner guidance on data breaches. We will aim to provide timely advice to you to ensure you are able to manage any loss that could result from the breach.

2.4.2 Retention and destruction of records

Records and electoral documents held by Elections ACT, including records containing personal information, are created, kept and destroyed in accordance with the Territory Records Act 2002 as well as the preservation and destruction provisions in the ACT Electoral Act.

When the personal information that we collect:

- is no longer required, and there is no legal requirement for it to be maintained, or
- becomes subject to the destruction requirements in the ACT Electoral Act

we will delete or destroy it in a secure manner.

2.4.3 Complaints

If you believe Elections ACT has breached any of the TPPs, you may submit a complaint to Elections ACT. Complaints must be made in writing to the Deputy Electoral Commissioner at the email or postal address listed in this policy.

You may submit a complaint anonymously. However, in order to properly consider and respond to your request, Elections ACT may require further information from you.

Elections ACT will respond to complaints within 30 days of receipt. If you are dissatisfied with Elections ACT's response to a complaint, you may contact the Office of the Australian Information Commissioner (OAIC). The OAIC is an independent external body. Under an arrangement between the ACT Government and the Australian Government, the Australian Information Commissioner performs some of the functions of the ACT Information Privacy Commissioner. These responsibilities include handling privacy complaints against ACT public sector agencies, conducting

assessments of ACT public sector agencies' compliance with the Information Privacy Act and receiving data breach notifications.

3. Elections ACT's website: protecting your privacy online

Elections ACT is committed to protecting privacy online in accordance with the Guidelines for Federal and ACT Government Websites issued by the Office of the Australian Information Commissioner.

3.1 Personal information submitted to Elections ACT electronically

Where Elections ACT collects personal information submitted directly by a user, those electronic records are stored securely in databases managed on behalf of Elections ACT by its ICT providers and in accordance with the Elections ACT's ICT security policies and practices.

Where personal information is held in electronic files, access to it is restricted to Election ACT employees whose duties require access to the information.

3.2 Personal Information collected and held

When you browse our website, our system automatically makes a record of your visit and logs the following information for statistical purposes:

- Your server address
- Top level domain name (for example: .com, .net, .gov, .au)
- The type of browser and operating system you used
- Date and time of your visit
- The previous site visited
- Which pages are accessed
- The time spent on individual pages and the site overall
- Which files were downloaded
- geographic location
- the address of the referring site, such as the previous site that you visited before Elections ACT's website

This information is generally only used to:

- identify generic online resource usage patterns; and
- improve our services.

No attempt is made to identify users or their browsing activities, except in the unlikely event of an investigation by a law enforcement agency.

3.3 'Cookies' and Google Analytics

A 'cookie' is an electronic token that is passed to your browser which passes it back to the server whenever a page is sent to you.

Elections ACT's website uses a cookie to maintain contact through a session. The cookie allows the website to recognise you as a unique user as you move from one page of the website to another. The cookie will expire when the browser session is closed or the computer is shut down. No attempt will be made to identify anonymous users or their browsing activities unless legally compelled to do so, such as in the event of an investigation.

The Elections ACT website uses Google Analytics, a web analytics service provided by Google LLC. Google Analytics uses cookies and JavaScript code to enable analysis on usage of these websites and online facilities.

Google will use this information for the purpose of evaluating your use of our website, compiling reports on website activity for website operators. Google may transfer this information to third

parties where required to do so by law, or where such third parties process the information on Google's behalf. Google will not associate your IP address with any other data held by Google.

You may refuse the use of cookies by selecting the appropriate settings on your browser. Please note that if you do this, you may not be able to use the full functionality of Elections ACT's website and online facilities.

3.5 Your email address

Elections ACT will only record your email address in the event that you send a message by email; you provide your email address when completing an electoral form, or your email address is provided by a third party. Your email address will only be used for the purpose for which you have provided it and will not be added to any mailing lists without your consent by way of a specific request in writing. Elections ACT will not use or disclose your email address for any other purpose, without your prior written consent.

If you are listed on one or more of our media or subscriber email lists you can opt out at any time. You can unsubscribe by email to elections@act.gov.au.

3.6 Security of information

Elections ACT is required to take reasonable steps to ensure that personal information it holds is safe and secure. Every effort is taken to protect your personal information from misuse, interference or loss from unauthorised access, use or modification or disclosure in accordance with the Information Privacy Act.

The Territory Records Act 2002 establishes frameworks for the management of your personal information if it is held by Elections ACT or the ACT government. Elections ACT will also handle your personal information in accordance with any requirements set out by the legislation under which it was collected.

Comprehensive protections are in place to guard against unauthorised access to both paper and electronic files. Access to Elections ACT's premises is strictly controlled.

While Elections ACT attempts to secure information transmitted to Elections ACT websites over the internet, there may be inherent risks associated with the transmission of information via the Internet and there is therefore a possibility that this information could be accessed by a third party while in transit.

For those who do not wish to use the Internet, contact Elections ACT via the telephone or via the post using the contact details below.

4. How to contact Elections ACT

If you wish to contact Elections ACT about a privacy-related matter, including questions about this policy, please contact the Elections ACT's Deputy Electoral Commissioner.

Email: elections@act.gov.au

Post: Deputy Electoral Commissioner
Elections ACT
PO Box 272
Civic Square ACT 2608

Telephone: 02 6205 0033

You can also obtain further information from the Office of the Australian Information Commissioner website, or by telephone on 1300 363 992.