|  |
| --- |
| Internal PolicyWA Electoral Commission |
| PRIVACY POLICY |

Purpose:

This Policy outlines how the Commission manages and balances its responsibilities to collect, receive, store, and manage the personal information of electors, candidates, political parties and other stakeholders in line with privacy principles and the administration of its duties, statutory functions and other requirements under the *Electoral Act 1907* and other relevant legislation.

Policy details:

In Western Australia privacy legislation applicable to government entities continues to be developed and is yet to be rolled out across the sector. This policy follows best practice guidelines and the thirteen principles set out by the *Privacy Act 1988 (Commonwealth):*

• Open and transparent management of personal information

• Anonymity and pseudonymity

• Collection of solicited personal information

• Dealing with unsolicited personal information

• Notification of the collection of personal information

• Use or disclosure of personal information

• Direct marketing

• Cross border disclosure of personal information

• Adoption, use or disclosure of government related identifiers

• Quality of personal information

• Security of personal information

• Access to personal information

• Correction of personal information

The Commission is committed to safeguarding and appropriately using personal information in accordance with the administration of these principles. The Commission will collect personal information that is required to complete its core business, namely

* Responsibility for the conduct of parliamentary, local government and industrial elections
* Conducting other elections for community organisation, universities and private companies on agreement
* Management of the Western Australian electoral roll
* Registration of political parties and final disclosure arrangements
* Electoral education and stakeholder engagement
* Providing advice to government on electoral matters

Scope:

This policy applies to Commission employees and those contracted to work with the Commission and manage information. Commission Directors are responsible for the management of information within their division. Any unauthorised access, use or disclosure of information may result in disciplinary action.

Relevant procedures:

**Principles**

The principles of accountability, transparency and respect are key to the way the Commission operates and underlines this policy. When collecting personal information, the Commission 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.

Unusual, large, or particularly sensitive requests for access to personal information held by the Commission should be referred to the Electoral Commissioner prior to being granted.

**Privacy and Information Sharing Principles**

The Western Australian government is considering legislation to protect the privacy of Western Australians and promote responsible sharing of information (PRIS). As this legislation is considered the Commission will ensure that it meets its obligations under proposed information privacy principles and responsible sharing principles.

**Using personal information**

The Commission will use and disclose personal information:

* For the primary purpose for which it was collected
* For an approved other purpose
* If required, permitted or authorised by law
* A relevant secondary purpose as provided for in the principles.

The Commission maintains the confidentiality of personal information where possible. However, there are some circumstances where personal information will be required to be made public such as being on the electoral roll or when nominating as a candidate and other times when disclosure is required.

**Quality of information**

The Commission will make every reasonable effort to ensure that the personal information it collects and maintains is accurate and current, through recording information consistently, conducting regular audits or checks of information supplied and updating new information in a timely manner. Information may be supplied by third parties to the Commission, for example when sharing electoral roll information or other government departments. The Commission will make every effort to confirm the accuracy of this information and take action to correct personal information where errors are brought to its attention.

**Website statement**

Information is collected when visiting the Commission’s website as per the publicly available Website Privacy Statement. This statement outlines the technical information the Commission collects from visits to [www.elections.wa.gov.au](http://www.elections.wa.gov.au) in accordance with the Digital Services Policy Framework - Website Visual Design and Functional Standard (Office of Digital Government WA).

**Social media**

The Commission uses social networking sites such as Facebook to inform and engage with the public. These services have their own publicly available privacy policies. On communicating with people using these services the Commission may collect personal information and this information will be used in accordance with this policy.

**Accessing and security of information**

Commission staff should not access information that is not relevant to their work. Commission staff must handle personal information with discretion and follow Commission directives in safeguarding information in their possession. Further the Commission applies risk management practices and personal information security to protect information from misuse, loss, unauthorised access, modification, and disclosure includes -

* Information access, creation, classification and security controls
* Disaster recovery and backup protocols
* Recordkeeping plans and policies including retention and disposal schedules for the destruction of information
* Internal and external audits
* Commission policies including Code of Conduct and Use of IT Infrastructure
* Robust induction practices and performance reviews of staff to ensure appropriate work practices are being undertaken.

Particular care should be exercised when disseminating information to others and when communicating information electronically especially where it may be sensitive, confidential or personal.

**Division Responsibilities**

Each Director is responsible for the management of the data and any personal information held by their Division and ensuing its security in line with this policy and privacy principles.

Secure file sharing through SharePoint is used by the Commission to safely and securely share date and files internally and externally in accordance with set permissions.

**Information Breaches**

Where a data or other information security breach is detected, an assessment will be made on any further action. The Electoral Commissioner is to be informed should any security or data breach occur regarding Commission held information.

The *Office of the Australian Information Commissioner* has produced best practice guidelines should a breach or incident occur. The Commission will follow these guidelines where appropriate and in accordance with other Commission plans and policies, including disaster recovery and crisis communications plans. These guidelines provide the following actions –

* Contain the data breach to prevent any further compromise of personal information.
* Assess the data breach by gathering the facts and evaluating the risks, including potential harm to affected individuals and where possible taking action to remediate any risk of harm.
* Notify individuals and the Australian Information Commissioner if required.
* Review the incident and consider what actions can be taken to prevent further breaches.

Definitions:

These definitions are as per the Office of the Australian Information Commissioner and the *Privacy Act 1998 (Commonwealth*)

**Personal information**

Information or an opinion about an identified individual or an individual who is reasonably identifiable. This might include a person’s name and address, medical records, bank account details, photos, videos and even information about what an individual likes, their opinions and where they work.

**Sensitive information**

Includes information or an opinion about an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual orientation, criminal record, health information and some aspects of genetic and biometric information.

**Personal Information Security**

This means keeping personal information secure from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

Relevant legislation and standards:

*Electoral Act 1907*

*Freedom of Information Act 1992*

*Privacy Act 1988 (Commonwealth)*

Digital Services Policy Framework - Website Visual Design and Functional Standard

Related policies:

Recordkeeping Policy

Use of IT Infrastructure Policy

Western Australian Electoral Commission Code of Conduct

|  |  |
| --- | --- |
| Policy owner: | Executive  |
| Approved by: | Gary Meyers  |
| Active date: | November 2023 |
| Review date: | November 2025 |

## Website Privacy Statement

**General**

The Commission has an obligation to uphold its statutory duties under the *Electoral Act 1907* and other relevant legislation and this often involves the use of personal information.

The Commission’s *Privacy Policy (Link to internal WAEC Privacy Policy)* is based on best practice guidelines around the collection, use, disclosure and management of personal information.

Personal information (including sensitive information) about you may be collected by the Commission from you or a third party. We collect this personal information in a variety of ways, including paper-based forms, electronic means including email and website information and other sources.

The Commission will use and disclose collected information, including personal information, for the purpose(s) for which it was collected. The*Electoral Act 1907* has additional requirements regarding the use and disclosure of personal information.

**Using our website**

When you visit our website, a record of your visit for statistical and system administration purposes. We use this to

* Analyse how people use the website and look for ways to improve the user experience.
* Monitor and understand usage trends
* Protect the WAEC website

The Commission uses Cookies. A cookie is a block of data that is shared between a web server and a user's browser. Cookies, and the information collected through them, are used by the Commission to make this website more efficient.

The following information is logged:

* your server address
* your top level domain name (for example .com, .gov, .au, .uk etc),
* the date and time of your visit
* the pages you access and any documents you download
* the previous site you visited
* the type of browser you used
* And other relevant information

Users will not be identified except where required by law.

**Using our portals**

 The Commission provides access to backend systems via portals (e.g., the SG (State Government) portal and the LG (Local Government) portal). The Commission also provides secure file transfer via SharePoint document libraries to share files with customers. In order to login to one of these services you may be requested to use an existing personal email account (e.g., Microsoft, Google or work email address).

When you sign in using your personal account, we will collect your name and email address.  This allows us to identify your login details and provide the correct access to our systems.  This information will only be used for the purpose of your role within the Commission's Electoral activities.  No other personal information will be requested from your email account.