

**AEC**

Australian Electoral Commission

DEED POLL
as to the Permitted Use and Safeguarding of Roll of Voters Information

s 47F

I,
(insert full name)

(the 'Applicant'), am a member of the **ACT Branch of the Australian Education Union** ('the **Registered Organisation**') and I apply for a copy of the Roll of Voters produced for use in election **E2020./144**. (the '**Election**') being conducted in respect of the Registered Organisation and in support of the favourable exercise of the discretion to provide a copy of the Roll of Voters, I make the following covenants for the benefit of the Commonwealth of Australia as represented by the Australian Electoral Commission ('the **AEC**').

Operative Provisions

1 DEFINITIONS

1.1 In this Deed Poll, unless the contrary intention appears:

'Authorised User' means:

- (a) a person who is member of the Registered Organisation assisting the Applicant in connection with the Election; or
- (b) Contract Staff;

'Contract Staff' means a person who provides services to the Applicant under a contract in connection with the Election;

'Criminal Code' means Schedule 1 of the Criminal Code Act 1995 (Cth);

'Permitted Purpose' in accordance with the *Registered Organisations Regulations* means:

- (a) a purpose in connection with the Election; or
- (b) to monitor the accuracy of the information contained in the Roll of Voters;

'Privacy Act' means the *Privacy Act 1988* (Cth) including the Australian Privacy Principles provided by that Act;

'Registered Organisations Act' means the *Fair Work (Registered Organisations) Act 2009* as amended from time to time;

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'Registered Organisations Regulations' means the *Fair Work (Registered Organisations) Regulations 2009* as amended from time to time;

'Returning Officer' means the AEC official performing the function of a Returning Officer in connection with the Election;

'Roll of Voters Information' means information in the copy of a Roll of Voters provided by the AEC to the Applicant under subregulation 131(5) of the Registered Organisations Regulations;

'Roll of Voters' means the list of eligible voters prepared by the AEC for the purposes section 182 of the Registered Organisations Act in accordance with subregulation 131(2) of the Registered Organisations Regulations;

'Safeguard Agreement' means this deed poll.

- 1.2 In this Safeguard Agreement, a reference to a penalty unit is a reference to a penalty unit provided by section 4AA of the *Crimes Act 1918* being the sum of \$210 or such greater sum as is indexed in accordance with that section on an index day being either 1 July 2020 or each third anniversary of 1 July 2020.

2 ACKNOWLEDGEMENT AND UNDERTAKINGS

Acknowledgments

- 2.1 I acknowledge that:

- (a) following the AEC's receipt of this Safeguard Agreement the AEC may in reliance on my covenants exercise its discretion to provide me with a copy of the Roll of Voters; and
- (b) notwithstanding this Safeguard Agreement, the AEC or the Returning Officer may exercise its discretion:
 - (i) to not give me a copy of the Roll of Voters Information; or
 - (ii) at any time to require me to return the Roll of Voters Information in compliance with clause 4 of this Safeguard Agreement; and
- (c) I am responsible for ensuring that:
 - (i) access, use and disclose of the Roll of Voters Information received by me is done only for a Permitted Purpose; and

- (ii) the Roll of Voters Information is securely stored to prevent its unauthorised access or use; and
- (d) I am aware that:
 - (i) the Office of the Australian Information Commissioner has published the AAPs online at: <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>; and
 - (ii) the Federal Register of Legislation has published:
 - (A) the *Crimes Act 1914* online at <https://www.legislation.gov.au/Series/C1914A00012>;
 - (B) the *Criminal Code Act 1995* (Cth) online at <https://www.legislation.gov.au/Series/C2004A04868>;
 - (C) the Registered Organisations Act online at <https://www.legislation.gov.au/Series/C2004A03679>; and
 - (D) the Registered Organisations Regulations online at <https://www.legislation.gov.au/Series/F2003B00094>.

Undertakings

2.2 I undertake:

- (a) to comply, at all times, with the Privacy Act as if I am an 'APP entity' (as defined in the Privacy Act) in dealing with the Roll of Voters Information received as a consequence of my giving this Safeguard Agreement;
- (b) to store or to ensure that an Authorised User of the Roll of Voters Information stores the Roll of Voters Information as data:
 - (i) held in a computer; and
 - (ii) to which access is restricted by an access control system associated with a function of the computer.
- (c) to ensure that access control system associated with a function of each computer storing the Roll of Voters Information effectively excludes access to the data in the ordinary course by persons other than Authorised Users;
- (d) to only access, use and disclose Roll of Voters Information for a Permitted Purpose;

- (e) to ensure that an Authorised User of the Roll of Voters Information only accesses, uses or discloses Roll Information for a Permitted Purpose;
- (f) to take due care to ensure the protection of Roll of Voters Information against theft and unauthorised access, use, modification or disclosure;
- (g) to ensure that Authorised Users take due care to ensure the protection of Roll of Voters Information against theft and unauthorised access, use, modification or disclosure;
- (h) to ensure that any Authorised User to whom the Roll of Voters Information is to be provided by me first gives a deed poll in favour of the AEC that is substantially the same as the template deed poll by an Authorised User provided to me by the Returning Officer;
- (i) to ensure that each duly executed deed poll given under paragraph 2.2(h) of this deed is delivered to the Returning Officer before I give that Authorised User a copy of the Roll of Voters Information or access to the computer on which the data containing the Roll Information is stored;
- (j) to immediately report any suspected security incident, including but not limited to unauthorised access to, use of, or disclosure of Roll of Voters Information to the AEC's Industrial Elections and Ballots Program by email to industrial.elections@aec.gov.au

3 UNAUTHORISED ACCESS, USE, AND/OR DISCLOSURE OF ELECTOR INFORMATION

Acknowledgments

3.1 I acknowledge that:

- (a) the Registered Organisations Regulations provides offences and penalties (currently 100 penalty units) for the use of Roll of Voters Information for purposes other than a Permitted Purpose (see subregulation 131(6)); and
- (b) Division 478 of the Criminal Code provides criminal offences and penalties for information (i.e. the Roll of Voters Information) stored as restricted data for the purposes of the Criminal Code for:
 - (i) accessing the Roll of Voters Information for a purpose that is not a Permitted Purpose; and/or
 - (ii) the unauthorised access, modification or impairment of Roll of Voters Information; and/or

- (iii) making an unauthorised impairment of the reliability, security or operation of the data held on the medium containing the Roll of Voters Information; and/or
- (iv) the production, supply or obtaining of the Roll of Voters Information with the intention that the data be used by myself or another person to commit or facilitate the commission of an offence against Division 477 of the Criminal Code.

4 RETURN AND DESTRUCTION OF THE ROLL OF VOTERS INFORMATION

4.1 I undertake to:

- (a) return the medium/purge from all computers on which it is stored the electronic file, containing the Roll of Voters Information originally supplied by the AEC to the Returning Officer; and
- (b) supply the Returning Officer with a statutory declaration:
 - (i) made by myself and each Authorised User to whom a copy of the Roll of Voters Information was provided or to whom was given access to a computer on which the data containing the Roll of Voters Information was stored;
 - (ii) that attests that data containing the Roll of Voters Information has been purged from the computer on which it was stored,

no later than:

- (c) 21 days of the Returning Officer declaring the result of the last event in connection with the Election; or
- (d) such other date (which may be earlier than the declaration of the last event in connection with the Election) notified to me in writing by the Returning Officer.

5 CONSENT TO RECEIVE NOTICE BY EMAIL

- 5.1 I consent to the AEC or the Returning Officer giving any notice in connection with the Election by email to my email address given below.
- 5.2 This consent does not constrain the AEC or the Returning Officer giving notice to me personally or by post to my residential address given below.

6 TERM

6.1 I undertake that this Safeguard Agreement:

- (a) will apply in the event that I breach a covenant of this Safeguard Agreement until that breach is remedied; but otherwise
- (b) expires when the AEC provides me with a written acknowledgment that it has received the statutory declarations required under clause 4 of this deed.

Execution of the Safeguard Agreement follows.



EXECUTED as a deed poll on 29 November 2021

Signed, sealed and delivered by me:

| | |
|---|-----------------------|
| Full Name of the Applicant: | s 47F |
| Address of the Applicant: | s 47F |
| Email Address of the Applicant: | s 47F |
| Contact Number of the Applicant: | s 47F |
| Name of Authorised User to whom I will provide a copy of the Roll of Voters Information to or to whom I will provide access to a computer on which the data containing the Roll of Voters Information will be stored NOTE: A separate deed poll is required from Authorised Users | s 47F s 47F |
| Signature of the Applicant: | s 47F |
| Date of Signature: | 29/11/2021 |

In the presence of:

| | |
|-----------------------|--------------|
| Full Name of Witness: | s 47F |
| Signature of Witness: | |
| Date of Signature: | 29/11/2021 |

