Electoral Roll Access

Data Use Guidelines

Introduction

The Data Use Guidelines (Guidelines) provide support for users of the Australian Electoral Commission (AEC)'s Electoral Roll Access (ERA).

ERA contains a full copy of the electoral roll for each federal division, state or territory that a member of the House of Representatives (MP), senator or registered political party is entitled to access. The categories of electoral data that the AEC must give to entitled entities is subject to the *Commonwealth Electoral Act 1918* (Electoral Act).

Access to ERA is only available to MPs, senators or registered political parties (entitled entities) or persons who are authorised to access the data on their behalf.

The Guidelines assist the entitled entity to understand the permitted purpose and use of electoral roll data, penalties and the importance of security. It is important that you read and understand the Guidelines before accessing ERA or using electoral data.

The Guidelines provide information derived from the Electoral Act as well as from the experience of the AEC in the administration of its provisions. The Guidelines do not replace the Electoral Act and are not a substitute for legal advice on a specific data use issue. Please read and familiarise yourself with sections 90B, 91A and 91B of the Electoral Act.

Permitted purpose and use of electoral data

The permitted purposes for use of this information in relation to an MP, a senator or a political party are in summary:

- any purpose in connection with an election or referendum
- research regarding electoral matters
- monitoring the accuracy of information contained in an electoral roll
- the performance by an MP or senator of their functions in relation to enrolled persons
- the performance by an MP or senator who is a member of a political party of their functions in relation to enrolled persons.

The full list of permitted purposes is set out in section 91A of the Electoral Act.

Penalties associated with disclosure of electoral data

A person must not use electoral roll data other than for a permitted purpose in relation to the person or organisation the information is given to.

- Penalty: 100 penalty units.

A person must not disclose 'protected information' (as defined under section 91B(1) of the Electoral Act)unless the disclosure would be a use of the information for a permitted purpose under section 91A of the Electoral Act.

- Penalty: 1,000 penalty units.

A person must not use protected information for a commercial purpose (other than as expressly permitted under the Electoral Act).

- Penalty: 1,000 penalty units.

The monetary value of a penalty unit is defined in section 4AA of the *Crimes Act 1914*. The penalty unit is adjusted every three years in accordance with the Consumer Price Index. Further information: Attorney-General's Department's website.

Protection and storage of electoral roll data

It is important to ensure that electoral roll data is protected from any unauthorised access, use, disclosure, modification, corruption and other misuse, including by:

- ensuring all electronic access to ERA is through a secure network
- ensuring that computers used to access ERA are updated with the latest virus protection software
- keeping your log-in credentials secure
- ensuring that any data downloaded from ERA is stored securely and protected from unauthorised access.

Authorisation

Electoral roll data may only be accessed and used by the entitled person/registered party, or their authorised representative. Where electoral roll data is accessed by a person who is no longer entitled or authorised to do so, that person may be in breach of the *Commonwealth Electoral Act 1918 (Cth)* and the *Privacy Act 1988 (Cth)*.

ERA users acknowledge and agree that they will only access electoral roll data while they hold a current and valid entitlement or authorisation to do so.

As entitlement to the roll data rests with the entitled entity, it is that entity's responsibility to ensure their authorised representatives remains current and are appropriately maintained.

FAQs on security and protection of electoral data

Can I share electoral roll data with anyone?

No. The data contained within ERA is provided to entitled entities under the terms of the Electoral Act. Each entitled entity is separately entitled to access the download. As an ERA user, you should not share your ERA information and log-in credentials with anyone.

ERA information must only be used for permitted purposes as set out in the Electoral Act.

Which legislation applies to ERA?

The key legislation is the Electoral Act.

The AEC must provide electoral roll data to a range of persons and organisations who are entitled to receive data under section 90B of the Electoral Act.

The permitted purposes for access and use of electoral roll data are covered by sections 91A and 91B of the Electoral Act.

What should I do if I become aware of a security incident in relation to electoral data or ERA?

If you become aware of any actual or suspected security incident that compromises, or has the potential to compromise, the security of electoral data or ERA (including any unauthorised access to, or disclosure of, electoral data), contact the AEC's Roll Products and Services help desk at rps@aec.gov.au or 02 6271 4696.