

Tim Wilson-Brown
foi+request-6776-87e33f23@righttoknow.org.au

Dear Tim Wilson-Brown

Decision notice on your access application

I refer to your access application made under the Freedom of Information Act 2016 (FOI Act), dated 3 October 2020.

This application requested access to:

"documents held by the Commission in relation to the design, implementation, and approval of electronic voting for the 2020 legislative assembly election.

The specific documents I request are:

- Documents related to the following determinations:
 1. Electoral (Computer Program) Approval 2020 (No 1)
 2. Electoral (Computer Program) Approval 2020 (No 2)
 3. Electoral (Electronic Devices) Approval 2020

which were relied upon by the commissioner to determine that Computer Programs and Devices used for the 2020 election satisfy section 118A 2(d) of the Electoral Act 1992: "the program will... not allow a person to find out how a particular elector cast his or her vote".

- Documents (including internal and external correspondence, procedures, software requirements, designs, and code) regarding electronic vote secrecy in the 2020 election, concerning:
 1. any decisions or changes to electronic voting made by the commission in response to the vote secrecy issues disclosed by T Wilson-Brown in 2018, or any other voting secrecy issues disclosed to Elections ACT from the 2016 election to the data of this request,
 2. the collection, transmission, and storage of detailed timestamps of individual voter roll mark-offs
 3. the collection, transmission, and storage of detailed timestamps of each individual vote cast
 4. limiting the number of people who have access to the detailed voter and vote data in 2. and 3., limiting the risk of data breaches, and ensuring that any accesses are discovered and reported (excluding designs and code)
 5. the publicly released summary voter frequency data

6. any publicly released detailed vote preference data, including any shuffling or randomisation of that data, and any analysis of data fields which would allow members of the public to restore the original order, or otherwise link this data to individual voters”

Authority

I am an officer authorised by the ACT Electoral Commissioner to make decisions about access to public sector information, in accordance with section 18 of the FOI Act.

Decision

I have identified twenty two documents containing information within the scope of your access application. These are outlined in the attached *Schedule of documents*.

I have decided to:

- grant full access to 10 documents
- grant part access to 9 documents
- refuse access to 3 documents

For the reasons outlined in the attached *Reasons for decision*, I have refused access to some of the information that you have requested under section 35(1)(c) of the FOI Act. This is because it is contrary to the public interest information.

Information not held

For the reasons outlined in the attached *Reasons for decision*, I have decided to refuse part of your access application under section 35(1)(b) of the FOI Act on the basis that the information sought is not held by our agency.

Disclosure of information

The documents are attached.

Disclosure log

Please note that section 28 of the FOI Act requires publication of access applications and any information subsequently released on our disclosure log www.elections.act.gov.au/about_us/freedom_of_information

This means that if access to the information is granted, it will also be made available to everyone on our website, unless the access application is an application for your personal, business, commercial, financial or professional information.

Review rights

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act. An application for review must be made within 20 days of receipt of this decision notice.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): actfoi@ombudsman.gov.au

Post: The ACT Ombudsman GPO Box 442 CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at: <http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information>

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ro Spence', written over a light blue horizontal line.

Ro Spence
Deputy Electoral Commissioner

13 November 2020