Office of the Victorian Information Commissioner

Victorian Protective Data Security Framework

Protective Marking Reforms & Business Impact Levels

February 2019

Today

- Background to the reforms
- Protective Markings and Business Impact Levels (BILs)
- New VPDSF protective marking scheme
- Updated VPDSF BIL table
- Transition period for the new protective marking scheme
- We are here to help you…

Background to the reforms

Office of the Victorian Information Commissioner

Activities to date…

July 2018 - Letter signaling changes

Privacy and Data Protection Deputy Commissioner wrote to VPS organisation's signaling intentions to reform the VPDSF protective marking scheme

October 2018 - Commonwealth reforms

Commonwealth Attorney Generals released major reforms to the Protective Security Policy Framework (PSPF), including changes to their Protective Marking Scheme and BILs

January 2019 - Consultation on draft VPDSF BILs

In January, OVIC engaged key stakeholders to consider the draft VPDSF BILs and provide feedback and comments on this material

Rationale for change

PSPF reforms

Some PSPF revisions have implications for agencies or bodies within Victorian Government, in particular those accessing or using Commonwealth generated information. As part of this we are looking to support information sharing across Victoria and with other jurisdictions

MOU negotiations

Negotiations to update the current Memorandum of Understanding for National Security Information (MOU for NSI) are underway. Victoria is party to this agreement

Currency of VPDSF BILs

As part of the VPDSF review cycle, the BILs and other material is being reconsidered for currency and relevance

Protective Markings & Business Impact Levels (BILs)

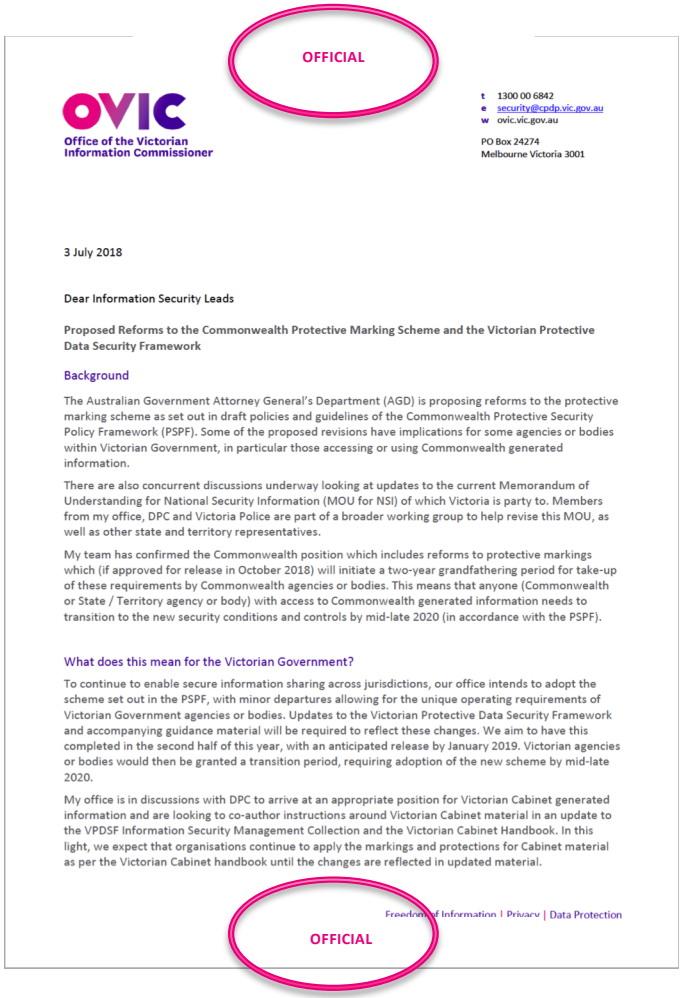
Office of the Victorian Information Commissioner

What are protective markings?

Protective markings are administrative security labels assigned to official information.

This label is directly linked to the business impact level (BIL) signalling a potential compromise of the confidentiality of the information.

Protective markings also inform the minimum security requirements during use, storage, transmission, transfer and disposal. Protective markings include security classifications, dissemination limiting markers and caveats.



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3 July 2018

Dear Information Security Leads

Proposed Reforms to the Commonwealth Protective Marking Scheme and the Victorian Protective Data Security Framework

Background

The Australian Government Attorney General's Department (AGD) is proposing reforms to the protective marking scheme as set out in draft policies and guidelines of the Commonwealth Protective Security Policy Framework (PSPF). Some of the proposed revisions have implications for some agencies or bodies within Victorian Government, in particular those accessing or using Commonwealth generated information.

There are also concurrent discussions underway looking at updates to the current Memorandum of Understanding for National Security Information (MOU for NSI) of which Victoria is party to. Members from my office, DPC and Victoria Police are part of a broader working group to help revise this MOU, as well as other state and territory representatives.

My team has confirmed the Commonwealth position which includes reforms to protective markings which (if approved for release in October 2018) will initiate a two-year grandfathering period for take-up of these requirements by Commonwealth agencies or bodies. This means that anyone (Commonwealth or State / Territory agency or body) with access to Commonwealth generated information needs to transition to the new security conditions and controls by mid-late 2020 (in accordance with the PSPF).

What does this mean for the Victorian Government?

To continue to enable secure information sharing across jurisdictions, our office intends to adopt the scheme set out in the PSPF, with minor departures allowing for the unique operating requirements of Victorian Government agencies or bodies. Updates to the Victorian Protective Data Security Framework and accompanying guidance material will be required to reflect these changes. We aim to have this completed in the second half of this year, with an anticipated release by January 2019. Victorian agencies or bodies would then be granted a transition period, requiring adoption of the new scheme by mid-late 2020.

My office is in discussions with DPC to arrive at an appropriate position for Victorian Cabinet generated information and are looking to co-author instructions around Victorian Cabinet material in an update to the VPDSF Information Security Management Collection and the Victorian Cabinet Handbook. In this light, we expect that organisations continue to apply the markings and protections for Cabinet material as per the Victorian Cabinet handbook until the changes are reflected in updated material.

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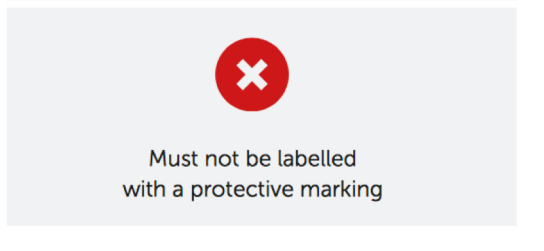
What should be protectively marked?

UNOFFICIAL

No protective marking is necessary for unofficial information as it has no relation to official activities.

It does not need to undergo an information value assessment.

An example of ‘unofficial’ information is personal correspondence.



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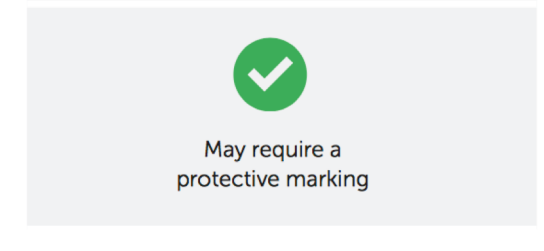
In contrast, official information means any information (including personal information) obtained, generated, received or held by or for a Victorian public sector organisation for an official purpose or supporting official activities.

This includes both soft and hard copy information, regardless or media or format.



Tools to help select the appropriate protective marking

VPDSF BIL Table

- Detailed resource designed to guide personnel through a thorough information assessment
- Provides a quantitative basis for an information
- Solid input into a security risk assessment

OR

VPDSF protective marking ready reckoner

- Helpful reference guide when making a brief assessment about the degree of harm or damage a breach to the information would have
- Handy resource for end users
- N.B. This does rely upon the user having a foundational understanding of protective markings

What are Business Impact Levels (BILs)?

BILs present potential adverse outcomes if there were a compromise to the confidentiality, integrity or availability of information.

BILs provide a consistent methodology for assessing business impacts on:

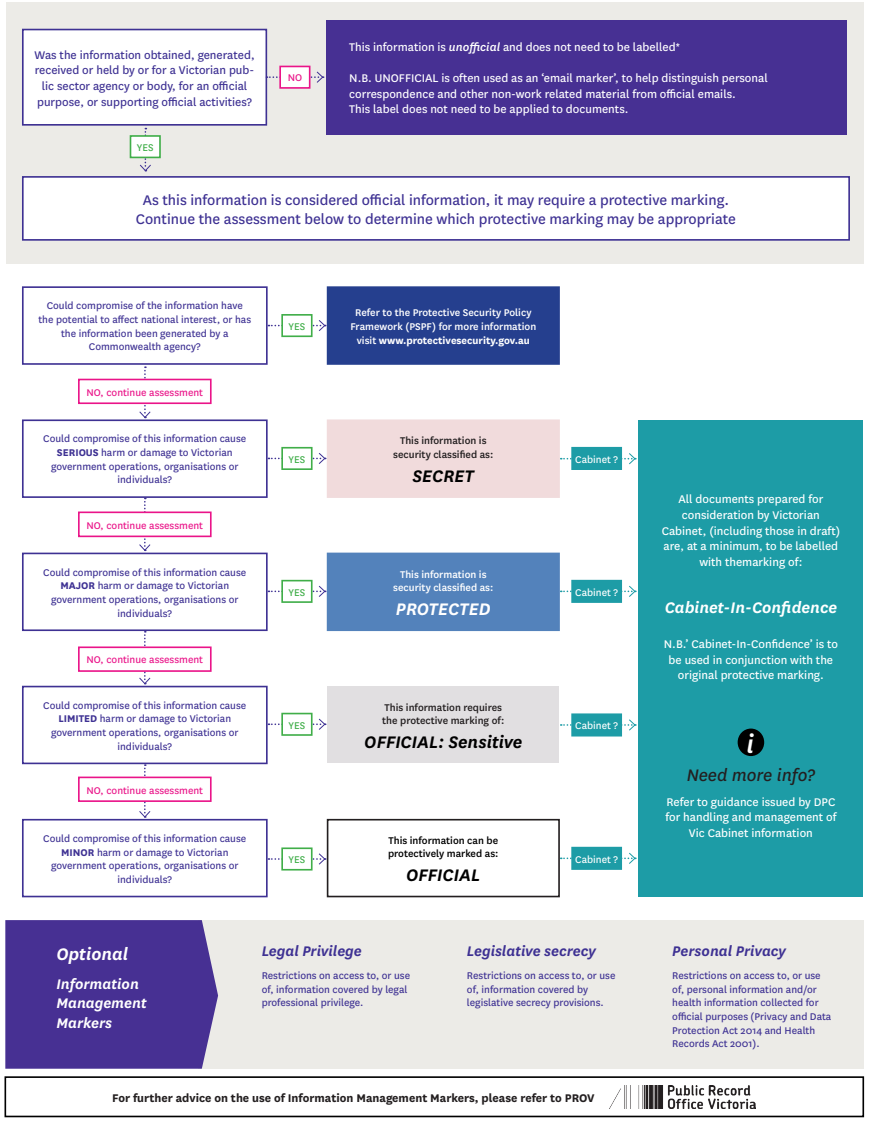
- government operations,
- organisations, or
- individuals

Each BIL sets out a variety of scaled outcomes, listed against particular categories.

IMPORTANT: When using the BILs to determine the appropriate ***protective marking***, only consider the degree of harm or damage that would result if the ***confidentiality*** of the material were breached.

The VPDSF BIL table

Protective marking ready reckoner



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New VPDSF protective marking scheme

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VPDSF protective markings

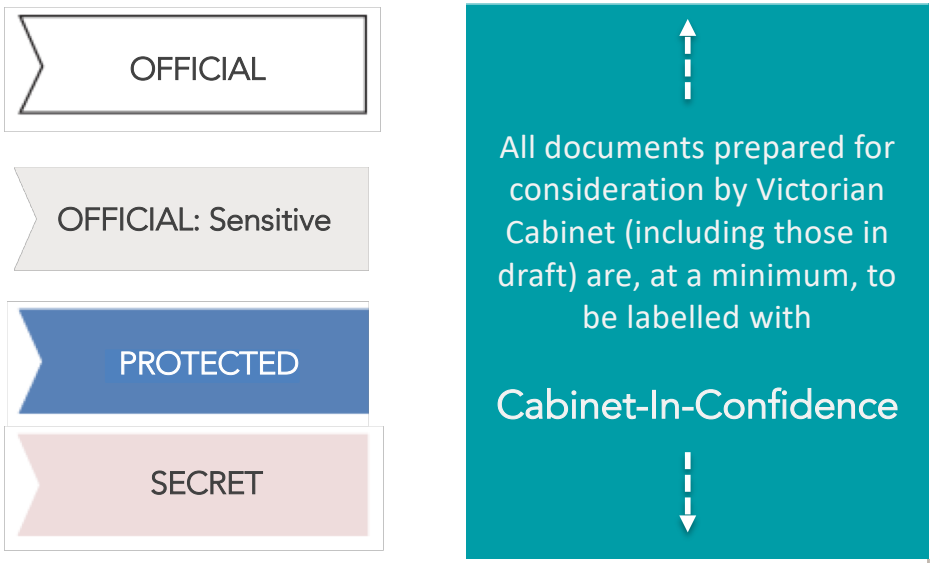
Compromise of the information would be expected to cause…

MINOR harm/damage to government operations, organisations or individuals

LIMITED harm/damage to government operations, organisations or individuals

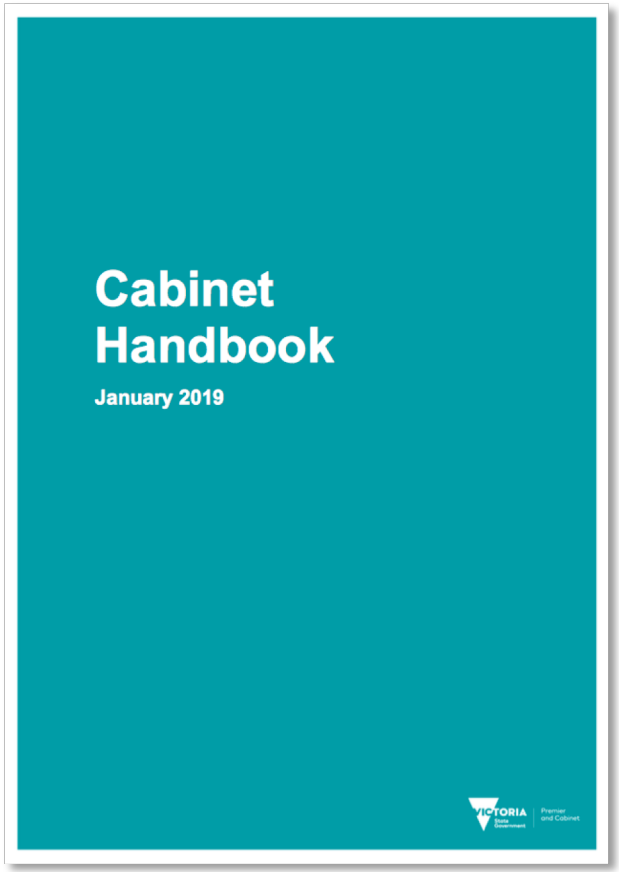
MAJOR harm/damage to government operations, organisations or individuals

SERIOUS harm/damage to government operations, organisations or individuals



** Whilst **'Unofficial'** is not recognised as a formal protective marking, it is used for email marking purposes. Further guidance will be made available in due course. Unofficial information refers to content that is not related to official work duties or functions*

Cabinet-In-Confidence



'Cabinet-In-Confidence' has been designated as a unique protective marking for Victorian Cabinet information under the VPDSF protective marking scheme.

All documents prepared for consideration by Victorian Cabinet, including those in draft are, at a minimum, to be labelled with '**Cabinet-In-Confidence**'.

Originators should still assess their information to determine whether additional protective markings are also required to further protect or manage the information.

Refer to the Victorian Cabinet office for more information on handling requirements for this information.

Information Management Markers

Information management markers (IMMs) have been included in the Commonwealth PSPF reforms, designed to reflect certain access restrictions as well as ‘rights property terms’ for particular content.

Within Victorian Government, Public Records Office Victoria (PROV) is responsible for issuing guidance on these markers. PROVs advice is consistent with the Commonwealth.

IMM usage is optional!

While applying an IMM is not mandated as a security requirement, the 'Rights' property does provides a standard set of terms ensuring common understanding, consistency and interoperability across systems and government entities.

For more information on IMMs, refer to the Public Record Office Victoria

Victorian Information Management Markers

While IMMs are optional, there are three commonly recognised markers for use by Victorian Government.

They include -

Legal Privilege

Restriction on access to, or use of, information covered by legal professional privilege

Legislative Secrecy

Restriction on access to, or use of, information covered by secrecy provisions

Personal Privacy

Restriction on access to, or use of, personal information and / or health information collected for official purposes (Privacy and Data Protection Act, 2014 and Health Records Act, 2001)

Updated VPDSF BIL Table

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Key questions raised during BILs consultation

Question: What is meant by the terms limited, major, serious, etc.

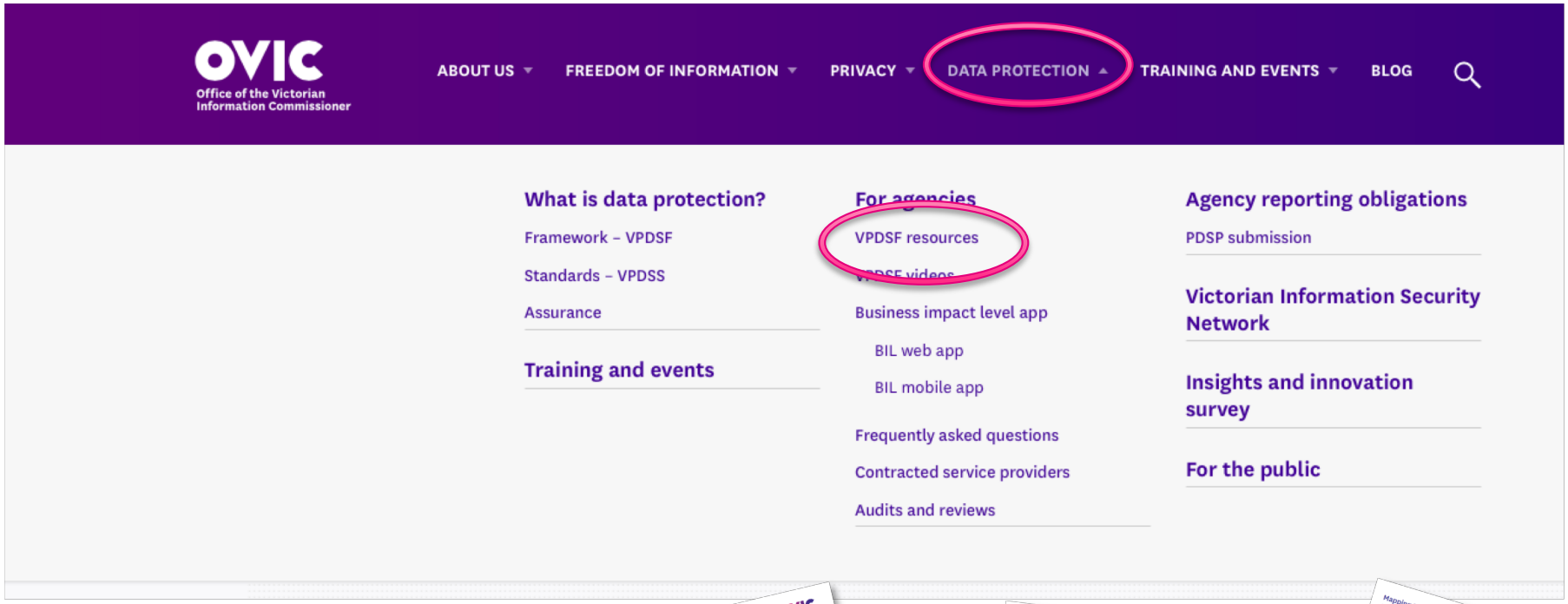
Answer: Each organisation needs to define what these terms mean for their business, in accordance with their risk management approach. Given the vast number and breadth of organisation's that the VPDSF applies to, a definitive description cannot be offered for these as it would not be reflective of all agencies or bodies needs.

Question: Why don't we just use the PSPF BILs?

Answer: The PSPF BILs were formed by the Attorney Generals Department, describing impacts to Commonwealth agencies and Australia.

Whilst most of the categories in the PSPF BIL table are relevant to the Victorian operating environment, some of the outcomes needed to be contextualised to reflect state based impacts and local requirements.

Where to find these new resources



Transition period for the new protective marking scheme

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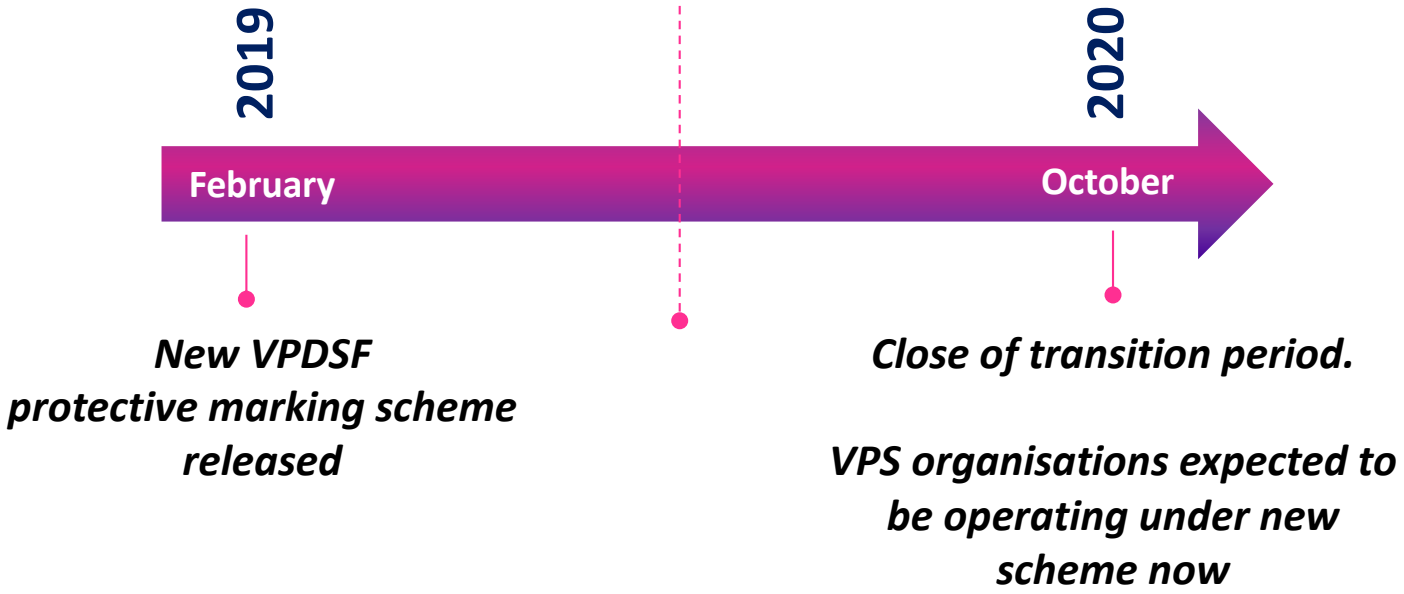
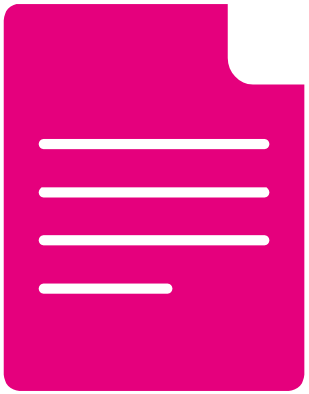
Transition period



VPS have until October 2020 to transition to the new VPDSF protective marking scheme.

Plan of attack – practical steps



Between now and October 2020, start looking at any internal processes and procedures, systems or technologies that may be impacted by this change and plan for transition to the new protective marking scheme.

Remember! Information DOES NOT have to be re-marked, unless it is being actively used.

We are here to help you

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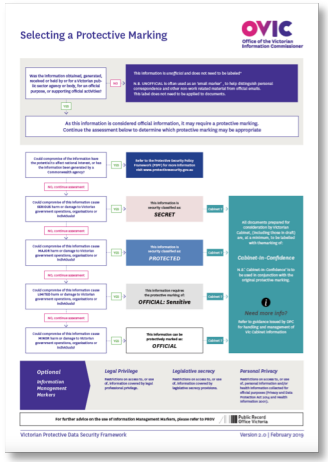
Updates to VPDSF guidance and products

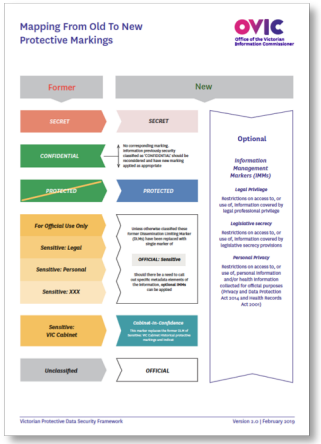
The team is looking to update the **VPDSF Information Security Management Collection** by April or May this year.

This will include targeted guidance on email markings.

Any resources that we have discussed today will be made available on the OVIC website shortly.

Supplementary material will be made available on the PROV website in due course.

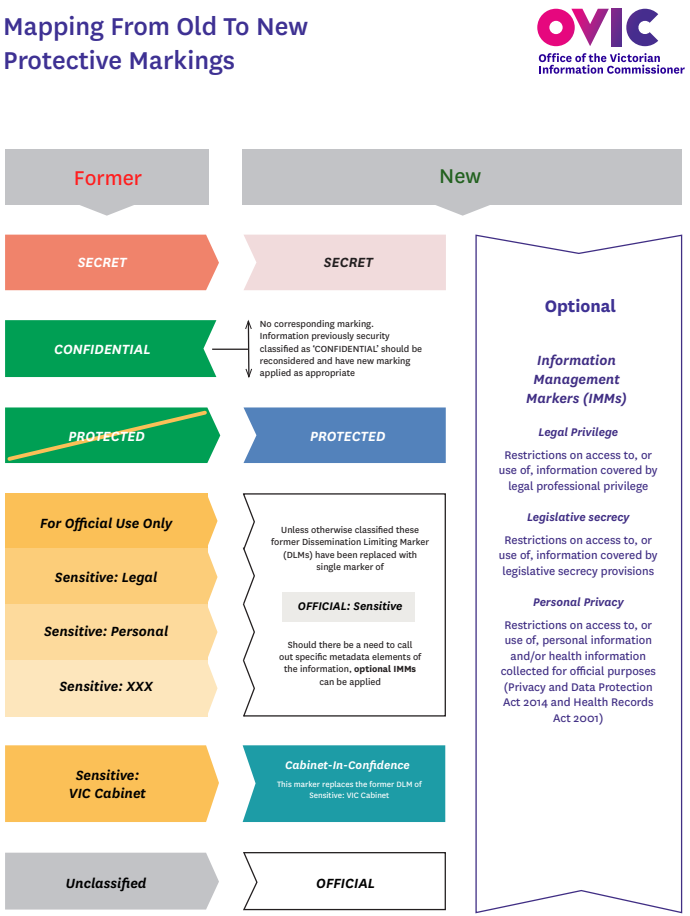




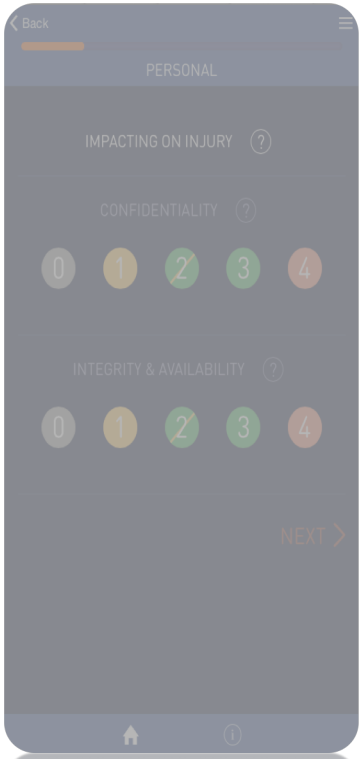
Mapping tool – Old to New protective markings

The team has created a brief mapping tool to assist you in transitioning from the former protective marking scheme to the new protective marking scheme.

Note: This is an indicative mapping only. Organisations are encouraged to re-assess any information that is being actively used to ensure the new protective marking is appropriate.



Mobile BIL app



The team is looking to replace the BIL mobile app with an online tool to assist users in valuing their material.

The BIL mobile app will be retired in the coming months, following the transition timelines offered to agencies to move across to the new scheme.

Outreach and support

Last year, the Information Security team recruited two new Business Engagement Officers.

Lachlan Parker and **Brett Duke** are here to provide advice and support on your program of work.

Contact either Lachlan, Brett or the rest of the team by emailing or calling:

security@ovic.vic.gov.au

1300 006 842


Questions?