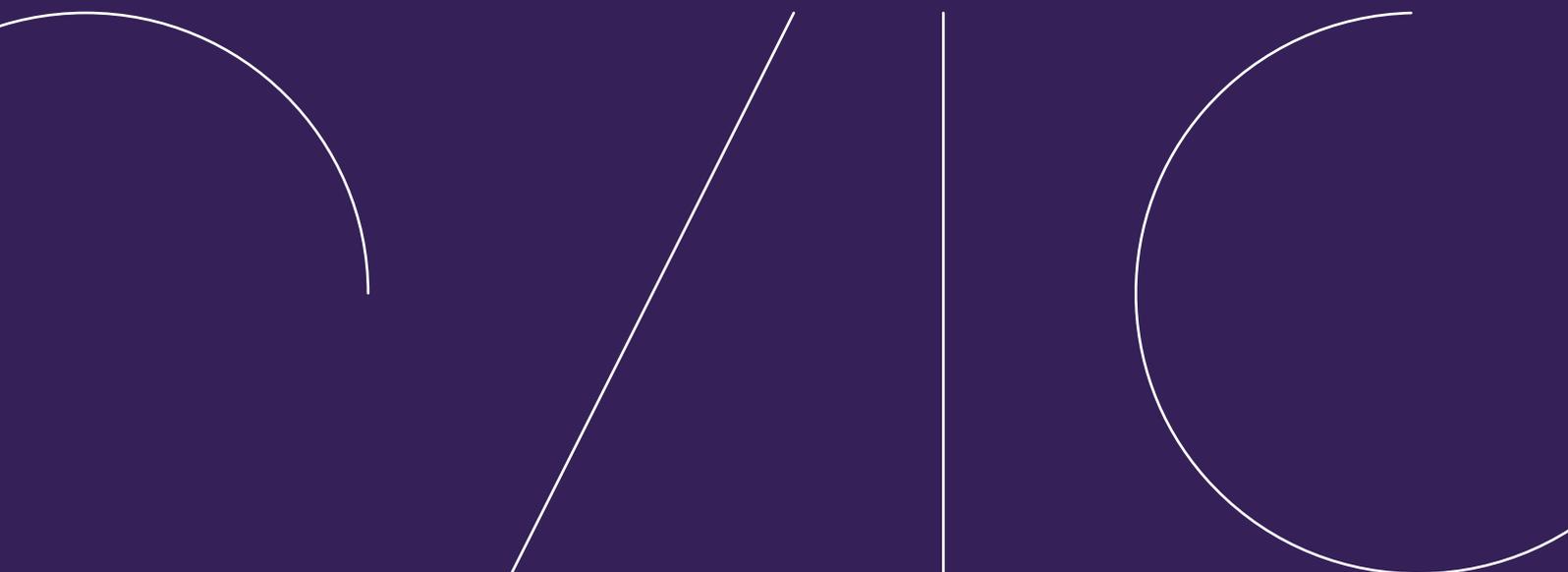


Examination into privacy and information handling training at Victoria Police

Examination under section 8C(2)(b) of the
Privacy and Data Protection Act 2014 (Vic)



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Foreword

Victoria Police handles large quantities of sensitive information about Victorians every day. How this information is handled can have significant impacts on the people it relates to. The public therefore expects Victoria Police to safeguard information it gathers and uses when performing its duties.

A crucial component of protecting personal information is ensuring that employees receive appropriate guidance and training about information handling. If an employee does not know or understand their privacy or security obligations and how to fulfill them, it is more likely they will mishandle personal information.

The Privacy and Data Protection Deputy Commissioner conducted this examination to better understand the approach to information handling and privacy training at Victoria Police.

Overall, the examination report shows the need for organisations to have a structured approach to training staff on how to appropriately handle personal information; to identify and address training gaps; and to ensure staff know where to seek guidance where they are unclear on their obligations. All of which requires adequate resourcing of an organisation's privacy functions.

The report shows that while Victoria Police has a wide variety of training available to personnel that is supportive of privacy, much of this training does not specifically address privacy in detail. It also shows that while significant training is undertaken at the start of a police officer's career, there are limited opportunities to refresh their knowledge over time, particularly for personnel who do not progress through the ranks.

Our examination specifically considered the guidance given to Victoria Police members about how personal information should be handled during investigations of, or responses to, family violence situations – given the increased risks of harm if information is mishandled in this context. We found that, since the Royal Commission into Family Violence (**Royal Commission**) in 2015, Victoria Police has – through appropriate focus and resourcing - undertaken extensive work towards building a family violence training culture that supports appropriate information handling. It serves as an example of what can be done when appropriate resources are applied.

Family violence training aside, work remains for Victoria Police to continue to develop training that further supports personnel to uphold the information rights of Victorians. Doing so will require addressing resourcing issues relating to Victoria Police's privacy functions.

I would like to thank Victoria Police for its positive engagement and assistance during the examination process.

Sven Bluemmel
Victorian Information Commissioner

15 August 2022

Executive Summary

1. Victoria Police sworn members¹ collect, use, and manage large amounts of Victorians' personal information every day. Victoria Police is also responsible for managing sensitive and delicate information for many of Victoria's most vulnerable populations, including victims and survivors of family violence.
2. Poor information handling practices by Victoria Police has the potential to cause significant harm to individuals. This is particularly important in family violence investigations where the risk of physical and emotional harm to a victim survivor caused by the inappropriate disclosure of information is high.
3. One of the foreseeable risks to information handling for Victoria Police is whether staff understand and employ good information handling practices in the performance of their roles. A way to address this risk is by ensuring adequate training is provided to staff so that they understand their obligations regarding privacy and information security.
4. Under the *Privacy and Data Protection Act 2014 (Vic) (PDP Act)*, Victoria Police has obligations to uphold the privacy and information rights of Victorians. Victoria Police is required to ensure these obligations are understood by its personnel by implementing effective policies and training, and through embedding respect for upholding information rights into its organisational culture.
5. OVIC conducted an examination into how Victoria Police trains personnel in privacy and information handling. The examination also considered what privacy and information handling training is provided to staff in relation to family violence investigations.
6. The objective of the examination was to ascertain whether the training provided meets the requirements of Information Privacy Principle (IPP) 4.1 under the PDP Act. IPP 4.1 outlines that an organisation must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification, or disclosure.

What privacy and information handling training are provided to sworn members?

7. The examination found that as of February 2022, Victoria Police had not provided any privacy specific training available for its members for more than a year. This is in part due to the lack of staff resources within the Security, Information and Privacy Division (SIPD).
8. SIPD has a dedicated Security, Education and Compliance unit (**Education unit**), and a Privacy unit, which are responsible for guidance and education in the privacy and information handling space. However, the examination found that – as of February 2022 - no staff were employed in these teams, although recruitment was underway.
9. While no dedicated privacy training was on offer to Victoria Police members, the examination found there was a range of training materials that touched on information handling principles, and were supportive of privacy, including training packages on cyber security and information security. All Victoria Police sworn members are required to undertake an online training e-package relating to information security, and another on cyber security, during recruit training or when beginning a new role. However, personnel are not required to refresh their knowledge by re-completing e-packages after initial completion during recruit training. This means that their knowledge may not be current.

¹ Sworn members include sworn police officers, sworn police recruits, Protective Service Officers, and reservists. Any references made to 'employees', 'staff' and 'personnel' in this report should be taken as a reference to Victoria Police sworn members.

What privacy and information handling training are provided to sworn members involved in family violence investigations?

10. The examination found that since the Royal Commission, Victoria Police has done extensive work on family violence training. The recommendations from the Royal Commission, and the government funding that accompanied them, allowed Victoria Police to build a family violence training infrastructure that supports appropriate information handling. This demonstrates the positive and lasting changes that can be made at Victoria Police when focus and resourcing are provided.

How is training developed and delivered at Victoria Police?

11. Sworn members receive significant amounts of training through the recruit and Foundation training program (**Foundation program**) at the commencement of their policing careers. This training includes principles of information security, confidentiality, and disclosure obligations. There is also a focus on ethical decision making through several different face-to-face and online modules.
12. The current training environment provides instruction on information handling in the initial stages of officers' careers. However, as an officer's career progresses, there is instead a heavy reliance on the interpretation of ethical standards to guide information handling, information security, and privacy obligations.
13. Victoria Police does not require staff to re-take certain core training e-packages periodically. As a result, staff may not have up to date knowledge. Currency of knowledge about privacy and information handling is important as the interpretation of the IPPs and amendments to the PDP Act continue to shift the privacy and information security landscape. Having up to date knowledge means that personnel are better able to understand their obligations and manage personal information appropriately.
14. OVIC also found that those sworn members who progress through the ranks of Victoria Police, or specialise in specific roles, encounter more training opportunities through promotional, specialist, or leadership programs. However, there are limited opportunities for continued training for those who stay at the same rank throughout their career. Most Victoria Police sworn members are made up of the more junior ranks.
15. The only regular training that all sworn members undertake is the biannual Operational Safety and Tactics training which focuses on practical skills like firearms safety and other tactical and operational training.

Recommendations

16. OVIC made three recommendations to Victoria Police:

Recommendation 1:

- Victoria Police should allocate appropriate resourcing to the Privacy unit and Education unit. This will ensure Victoria Police can perform its functions, including providing information handling education and training to sworn members.

Recommendation 2:

- Victoria Police should develop and deliver training to sworn members about their obligations:
 - under the PDP Act and the Information Privacy Principles, and

- under internal policies relating to privacy, including the Privacy Policy and Privacy Complaints Handling Policy.
- This training should be refreshed periodically to ensure staff have up to date knowledge and understanding of developments in privacy and information handling.

Recommendation 3:

- Victoria Police should implement a system requiring all privacy complaints received by operational areas (such as local stations) to be reported to the Privacy unit. This will ensure that operational areas can handle complaints with appropriate privacy expertise; increase awareness of the Privacy unit's functions; and assist the Privacy unit to identify trends that will inform the development of training and guidance.

Background

17. A lack of appropriate training in privacy and information handling can increase the risk of misuse, loss, unauthorised access, modification, and disclosure of government held information.
18. In performing its law enforcement functions, Victoria Police is required to collect, manage, use, and disclose sensitive and personal information of members of the Victorian community. This includes handling sensitive and delicate information for many of Victoria's most vulnerable populations, including victim survivors of family violence. As a result, Victoria Police must consider the importance of adequately securing personal information in line with its obligations under the PDP Act.
19. Victoria Police is one of the largest Victorian government agencies with 21,774 Full Time Equivalent (FTE), including both sworn and unsworn officers.² Victoria Police has over 16,000 sworn police officers, consisting of police members, sworn police recruits, and Protective Service Officers (PSOs). Unsworn staff include Victorian Public Sector (VPS) employees, police custody officers (PCOs) and unsworn recruits.

Table 1: Victoria Police full time equivalent employees from 2019 to 2021³

| Employees (FTE) | As at 19 June 2021 | As at 20 June 2020 | As at 19 June 2019 |
|-----------------|--------------------|--------------------|--------------------|
| Police | 16,284 | 15923 | 15115 |
| Police recruits | 179 | 63 | 311 |
| PSOs | 1466 | 1475 | 1453 |
| Reservists | 2 | 2 | 2 |
| PCOs | 393 | 402 | 390 |
| VPS employees | 3451 | 3482 | 3477 |
| Total | 21,774 | 21345 | 20748 |

Application of the *Privacy and Data Protection Act 2014* to Victoria Police

20. The role of Victoria Police is to serve the Victorian community and uphold the law to promote a safe, secure, and orderly society.⁴
21. Part 3 of the PDP Act places obligations on VPS organisations and their contracted service providers to handle personal information in accordance with ten Information Privacy Principles (IPPs) found in Schedule 1 of the PDP Act. The IPPs aim to ensure that information is collected, stored, used, and disclosed by the VPS in a fair and appropriate way.⁵
22. Personal information is defined in section 3 of the PDP Act as information about an individual whose identity is apparent or can be reasonably ascertained from the information.

² Victoria Police, Annual Report 2020-21, p 11; Victorian Public Sector Commission, Employee Numbers by Public Sector Organisation, available at <https://vpssc.vic.gov.au/data-and-research/data-facts-visuals-state-of-the-sector/employee-numbers-by-public-sector-organisation/>.

³ Victoria Police, Annual Report 2020-21, p 11.

⁴ S 8, *Victoria Police Act 2013* (Vic).

⁵ S 5 PDP Act; see also Victoria, *Parliamentary Debates*, Legislative Assembly, 12 June 2014, 2108 (Robert Clark, Attorney-General).

23. Victoria Police is an organisation with obligations to handle personal information in accordance with the IPPs.⁶ However, Victoria Police is also considered a 'law enforcement agency' under the PDP Act.⁷ Section 15 of the PDP Act states that a law enforcement agency is exempt from handling personal information in accordance with certain IPPs in *some* circumstances.⁸ This exemption aims to balance the competing public interest priorities of an individual's right to privacy with the protection of the community.
24. While section 15 of the PDP Act exempts Victoria Police from compliance with some IPPs in certain circumstances, compliance with other IPPs is always required. IPP 4.1 relates to data security and is not included in the section 15 exemptions. This means, Victoria Police must always comply with this principle when handling personal information.

Information Privacy Principle 4.1

General overview

25. IPP 4.1 states that:

An organisation must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification, or disclosure.

26. IPP 4.1 requires an organisation to adopt a three-pronged methodology to handle personal information.
- Firstly, organisations are required to anticipate foreseeable risks related to personal information they hold;
 - Secondly, they are required to consider what steps they can implement to protect personal information from foreseeable risks; and
 - Finally, they are required to consider whether those steps are reasonable in the circumstances.⁹
27. Whether a step is 'reasonable' will depend on a variety of factors. These might include:
- the likelihood of a breach of the IPP occurring;
 - the nature of the personal information in question; and
 - the difficulty or cost of implementing the step.¹⁰

However, the primary consideration for an organisation should be the risk of harm that could eventuate if a reasonable step is not implemented.

28. Victoria Police is not exempt from this IPP and is bound by the PDP Act to take reasonable steps to protect the information it holds.

⁶ S 13(1)(i) PDP Act.

⁷ S 3 PDP Act.

⁸ S 15 of the PDP Act states that it is not necessary for a law enforcement agency to comply with IPP 1.3 to 1.5, 2.1, 6.1 to 6.8, 7.1 to 7.4, 9.1 or 10.1 if it believes on reasonable grounds that noncompliance is necessary for one of four exemptions related to law enforcement functions and activities.

⁹ Office of the Victorian Information Commissioner, *Guidelines to the Information Privacy Principles* (14 November 2019), 4.2-4.7.

¹⁰ *Ibid*, 4.10-4.27.

29. Victoria Police collects, stores, and uses sensitive and personal information about Victorians through its role as a law enforcement agency. Victoria Police’s large sworn member cohort interacts daily with a broad cross-section of the public. This often results in Victoria Police collecting and handling delicate and sensitive information about some of Victoria’s most vulnerable community members, including victim survivors of family violence.
30. One of the foreseeable risks to information security for Victoria Police is whether staff understand and employ good information handling practices in the performance of their roles. One way to address this risk is for Victoria Police to ensure adequate training is provided to staff to build awareness around issues of privacy and information security. This is particularly relevant in the family violence context where the risk of harm to a victim survivor in circumstances of a breach could result in serious physical and/or emotional harm.
31. For training and awareness to be considered ‘reasonable’ it will depend on several factors including:

| Frequency | Content | Compliance | Ease of Access |
|--|---|--|--|
| <ul style="list-style-type: none">○ When is privacy training provided to staff?○ Are staff required to refresh their knowledge? | <ul style="list-style-type: none">○ Is training accompanied by meaningful content, examples, and practical tips?○ Is training evaluated and reviewed to ensure it is current and up to date? | <ul style="list-style-type: none">○ Is training audited to ensure completion and compliance?○ Does training involve an assessment to measure comprehension? | <ul style="list-style-type: none">○ Do staff know who to go to when they have questions?○ Is training and guidance easily accessible? |

Sensitive and delicate information

32. Under the PDP Act certain subcategories of personal information, such as sensitive and delicate information, require higher standards of protection. Sensitive information is defined under Schedule 1 of the PDP Act as information or an opinion about an individual’s:
- racial or ethnic origin;
 - political opinions;
 - membership of a political association;
 - religious beliefs or affiliations;
 - philosophical beliefs;
 - membership of a professional or trade association;
 - membership of a trade union;
 - sexual preferences or practices; or
 - criminal record –

that is also personal information.¹¹

33. Not all personal information that a person may consider to be ‘sensitive’ within the ordinary use of the word is captured in the definition above. Some personal information, such as the address of a victim survivor of family violence, would not be considered ‘sensitive’ in the above definition. Delicate information therefore refers to personal information that is private or personal in nature or would likely require a higher degree of protection. Information related to family violence investigations may include both sensitive and delicate information and will therefore be subject to additional protection.¹²

Conduct of examination

Basis for undertaking the examination

34. In 2021-22, OVIC identified four regulatory priorities to guide its regulatory action. This examination reflects OVIC’s ongoing engagement with Victoria Police, and reinforces OVIC’s commitment to promoting, supporting, and enforcing privacy and security in Victorian law enforcement.
35. This examination was conducted under section 8C(2)(b) of the PDP Act, which provides the Information Commissioner and the Privacy and Data Protection Deputy Commissioner (**Deputy Commissioner**) the power to:

*examine the practice of an organisation with respect to personal information maintained by that organisation for the purpose of ascertaining whether or not the information is maintained according to the Information Privacy Principles or any applicable code of practice.*¹³

36. The objective of the examination was to examine the privacy and other information handling training delivered to Victoria Police’s sworn members, and to ascertain whether the training meets the requirements of IPP 4.1. As a case study, OVIC looked at personal information handling during family violence investigations.
37. A 2019 Independent Broad-based Anti-corruption Commission (**IBAC**) report into information misuse at Victoria Police noted that training and education is needed to raise awareness around detecting, preventing and reporting information misuse.¹⁴ A high-profile privacy breach involving Victoria Police officers sharing information of a family violence victim survivor in 2020 demonstrated the risk of harm – to both the victim survivor and the organisation - that privacy breaches can result in.¹⁵
38. In 2016, the Royal Commission into Family Violence (**Royal Commission**) issued 227 recommendations intended to improve agencies’ response to family violence in Victoria. The recommendations of the Royal Commission noted the need to train police officers investigating family violence incidents. Outcomes from the Royal Commission included improving the specialist and foundation training for Victoria Police officers relating to family violence.¹⁶ As a result, OVIC wanted to understand more about how information handling and privacy training is delivered to sworn members both generally and in the family violence context.

¹¹ OVIC, *IPP Guidelines: Key concepts*, p10, available at: <https://ovic.vic.gov.au/wp-content/uploads/2019/11/Key-Concepts-2019.B.pdf>

¹² OVIC, *IPP Guidelines: Key concepts*, p11, available at: <https://ovic.vic.gov.au/wp-content/uploads/2019/11/Key-Concepts-2019.B.pdf>

¹³ S 8C(2)(b), *Privacy and Data Protection Act 2014* (Vic).

¹⁴ IBAC, *Unauthorised access and disclosure of information held by Victoria Police. An analysis of corruption risks and prevention*, 2019, p 11.

¹⁵ <https://www.abc.net.au/news/2020-06-17/victoria-police-officers-domestic-violence-lisa-neville/12332238>

¹⁶ <https://www.vic.gov.au/about-royal-commission-family-violence>

Scope of the examination

39. This examination focused on the privacy and information handling training that is delivered to sworn members at Victoria Police.
40. As a case study, OVIC also considered the guidance given to Victoria Police members about how personal information should be handled during investigations of, or responses to, family violence situations and whether it met the requirements of IPP 4.1 under the PDP Act. This examination does not consider investigative methodology, rather the guidance and training provided to members to support their handling of sensitive and personal information in the conduct of their duties.
41. The scope of this examination includes sworn Victoria Police members and does not include VPS employees. Police officers are responsible for a range of activities including being the first responder to any reportable crime or public need.¹⁷ PSOs are primarily tasked with the patrol and monitoring of peak hour train services and building and maintaining rapport with commuters and the community.¹⁸

How the examination was conducted

42. On 30 September 2021, the Deputy Commissioner wrote to the Chief Commissioner of Victoria Police advising of the commencement of the examination and requesting information. Victoria Police provided a preliminary response to the Deputy Commissioner's request for documents and supporting information throughout October and November 2021.
43. Following a review of the information provided by Victoria Police, OVIC engaged with Family Violence Command (**FVC**), People Development Command (**PDC**), and the Digital Services and Security Department (**DSSD**). OVIC staff attended meetings during January and February 2022 with staff from PDC and the SIPD within DSSD.
44. The purpose of the meetings was to gather first-hand knowledge and experience from relevant Victoria Police personnel on how training is developed, delivered, and evaluated, at Victoria Police with an interest in information handling and privacy both generally and within family violence investigation context.
45. In April 2022, the examination report was prepared, and in early June 2022 OVIC provided a copy of the draft report to Victoria Police for comment. Victoria Police's response to the examination is contained in Annexure A: Response from Victoria Police.

¹⁷ Victoria Police, Roles and duties of police officers last updated 5 November 2021, available at: <https://www.police.vic.gov.au/police-roles-duties>.

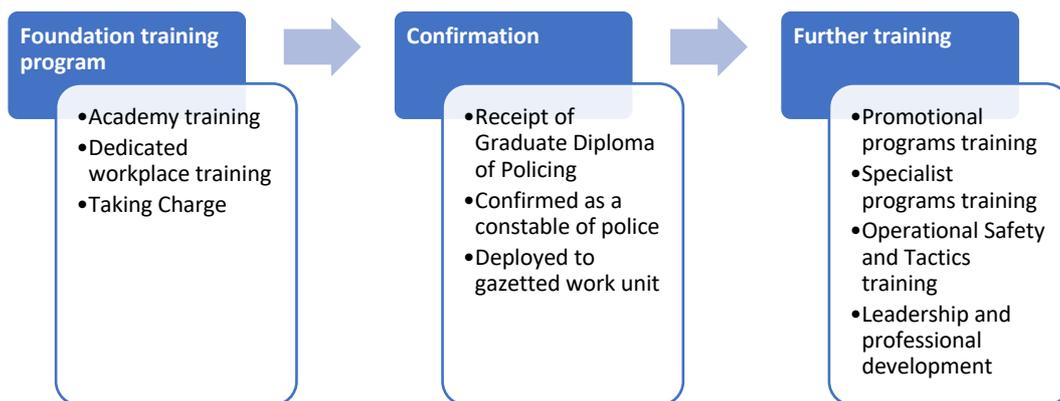
¹⁸ Victoria Police, Roles and duties of Protective Services Officers, last updated 30 July 2021, available at: <https://www.police.vic.gov.au/pso>.

Development and delivery of training at Victoria Police

46. There are many opportunities for training for the sworn member cohort at Victoria Police. As a Registered Training Organisation, Victoria Police is accredited to deliver training courses including a Diploma of Policing, Advanced Diploma in Police Investigation, Diploma in Police Intelligence Practice, and a Graduate Certificate in Police Prosecution.
47. Throughout a sworn member's career there are opportunities for further training through promotional, specialist, and leadership programs. However, this training is only provided to those members who progress through the ranks or decide to specialise in a particular area. The only ongoing training that all police officers are regularly required to undertake is Operational Safety and Tactics training, which occurs twice a year.
48. The training environment at Victoria Police is both complex and expansive. Depending on the area in which a sworn member works, the training may be delivered centrally by PDC, or via regional, divisional, or local area command, specialist units, or specific departments or commands.

Foundation training program at Victoria Police

49. The Foundation program provides the principal training for recruits and PSOs. It takes 2 years and 13 weeks for a recruit to become a confirmed Constable of Police.¹⁹ This occurs through a combination of training at the Victoria Police Academy (**the Academy**) and 'on the job' practical placements at Victoria Police registered training stations.
50. The Foundation program provides the core skills and education to prepare sworn members for their roles. It covers a broad range of topics that build operational expertise and, like all training at Victoria Police, has a strong focus on practical and immersive training. Some of the topics that are covered in the Foundation program include operational policing units, human rights, ethical decision-making, family violence, disclosure obligations and information security.



51. Following successful completion of the first 12 weeks, recruits are sworn in and become probationary constables. Once the Academy based component of foundation training is completed at week 32, recruits will undertake placements for practical training at a registered training station. On completion of this placement, recruits return to the Academy to undertake the Taking Charge program which

¹⁹ Victoria Police, *Training for police officers*, 5 July 2021, available at: <https://www.police.vic.gov.au/police-officer-training>

finalises their training at the Academy. Successful candidates are then awarded a Diploma of Policing and are confirmed and deployed to a permanent station to begin their careers.

Structure of People Development Command

52. The People Development Command (**PDC**) develops the skills, capability, and confidence of Victoria Police members by providing training to sworn members from recruits through to executive leaders.
53. PDC consists of six divisions that provide specific and targeted training to sworn members. These include the Specialist Programs Division, the Quality Education Division, and the Foundation Training Division (**Foundation**). Each of the divisions also has a centre of learning.



Figure 1 - People Development Command divisions

54. The Centres of Learning (**COL**) provide specialist knowledge to sworn members through subject matter experts that inform the delivery of training at the school of Policing and Foundation program. The Centres of Learning are:

- Centre for Law and Operational Development (**CLOD**);
- Centre for Professional Policing (**CPP**);
- Centre for Crime Investigation (**CCI**);
- Centre for Family Violence (**CFV**);
- Centre for Custody and Protective Services (**CCPS**);
- Centre for Road Policing Investigation (**CRPI**);
- Centre for Intelligence Practice (**CIP**); and
- Centre for Incident and Emergency Management (**CIEM**).

55. Outside of PDC there are other areas of Victoria Police that also develop and deliver training. Several specialist areas of Victoria Police manage their own training, including Legal Services for prosecutors, Public Order Response Team (**PORT**), search and rescue, emergency response, human source management, and others. Whilst PDC is Victoria Police's centralised command with an education development and delivery remit, there remain decentralised components to training for certain areas.

Development and review of training through People Development Command

56. Victoria Police has a range of policy and procedural material that provides members with the guidance required to carry out their duties effectively and safely. The overarching policy framework that members are required to comply with is contained in the Victoria Police Manual (**VPM**) Policy and Guidance and the Chief Commissioner's Instructions.

57. At Victoria Police, the content of training is developed in line with the relevant VPM. This means that training draws heavily on the guidance provided in the VPM to inform its focus and substance. For instance, the online e-learning package about security clearances is developed in line with the Security Clearances VPM guide.

Development of training

58. The development and ongoing review of a VPM is the responsibility of the policy owner. The policy owner is also responsible for identifying and driving the development of training related to the policies they manage. This means that the area responsible for creating the policy is also in charge of developing training related to the subject matter of that policy. As a result, it is incumbent on the policy owner to advocate for training related to their specific needs as an area.

59. The process for developing training may start with a conversation or working group with PDC and the policy owner. PDC has training developers in their team who can assist the policy owner to design training to suit their needs.

60. Victoria Police told OVIC that it has several 'golden threads' principles that are considered in the development of training. These principles are designed to ensure that certain core considerations are embedded in all training developed by the organisation. The golden threads principles reported to OVIC were:

- human rights;
- safety;
- team work;
- victim-centric approach;
- cultural diversity;
- ethics and integrity; and
- privacy and information security.

61. When designing training, the golden threads are used as a checkpoint for designers and subject matter experts to ensure that the learning outcomes align with the overarching principles of the organisation. This is done using a session plan checklist.

62. A key theme that OVIC identified across all areas was a shift away from the 'preach and forget' styles of training to a focus on immersive and real-life scenarios. The operational and real-world applicability of training was noted by Victoria Police as necessary to effectively prepare sworn members for their roles. This focus on real-world scenarios was reflected in both the online e-packages (online training modules designed to be conducted by staff remotely) relating to information handling that provided real life scenarios, and in the immersive family violence training that is provided to sworn members.

63. Victoria Police noted that the development of training often occurs reactively, following recommendations made by both internal and external integrity or oversight bodies during investigations into policing practice and culture. For instance, an internal investigation conducted by Professional Standards Command following the falsification of breath tests by sworn members led to the roll out of ethical decision-making training at Victoria Police.²⁰ Also, the Royal Commission into the

²⁰ Victoria Police, Taskforce Deliver Report, <https://www.police.vic.gov.au/taskforce-reports>.

management of police informants led to the development of a suite of training related to sworn members disclosure obligations.

64. To assist Victoria Police to become more proactive in identifying contemporary policing issues, and resultant training needs, PDC told OVIC that it was in the process of establishing a strategic unit responsible for monitoring the environment and driving proactive training development for the organisation. In January 2022, Victoria Police was undertaking recruitment for the strategic unit. Victoria Police noted that it hoped this would result in a less reactive approach to training development and instead allow it to plan training based on analysis of the environment.

Review of training

65. PDC has an established process for reviewing training. Review of content is an ongoing process with programs substantively reviewed every three years while COL review annually. Changes are managed by governance committees for each of the areas. The Foundation program in Victoria Police also advised that annual requests are sent to policy owners to inquire about the currency of their e-packages and whether they require updating. It was noted that a decision to update an e-package must come from the policy owner before it is actioned.
66. Part of the training review process may include job role analysis, which involves looking at what skills and knowledge is required of a role and reviewing the training to ensure that the needs of that role are met. This is different from position description analysis, and focusses on key skills required by employees to perform their functions. Victoria Police also told OVIC that anonymous participant evaluations also play a key role in providing feedback and guidance to PDC on how to improve end user experiences of training.
67. Victoria Police reported to OVIC that PDC had employed an ethicist to review all training delivered to recruits during the Foundation training program. Once this review is complete the ethicist will review the training programs in the Specialist Programs Division.

Specialist, promotional, and leadership training

68. The Specialist Programs Division (**SPD**) is responsible for the delivery of a range of training related to specialist areas of policing and promotional programs. The promotional programs include training for sergeants, senior sergeants, and inspectors on promotion into one of those roles.
69. Because specialist and promotional positions require further additional upskilling, this presents additional training opportunities on information handling throughout a sworn member's career.
70. There is a range of specialist programs that are delivered by SPD, some of which include family violence training, road policing training, and detective training including specialist investigative areas such as child abuse and sexual offending.
71. There is ongoing specialist and leadership training for those who progress through the ranks of Victoria Police. However, there is a lack of ongoing training for those who do not progress through the ranks or join specialist operational policing areas.

Online education and training

72. Victoria Police has an extensive online learning environment which includes over 170 e-learning modules to support sworn members in their education and development. The e-packages are available through the Victoria Police Learning Hub (**the Hub**) and can be audited for completion either by the Human Resources Department at Victoria Police or by the division, department, or command, that is responsible for the development and delivery of the particular e-package.

73. The topics included in the e-packages cover a broad range of subjects from operational safety and tactics, human rights, ethical decision making, specialised equipment such as body-worn cameras, crowd management, family violence, police investigation, and many others.
74. However, not all e-packages that are available on the Hub are mandatory for all sworn members to complete. Of the 177 e-packages that are available, 73 are required to be completed by all Victoria Police sworn members. This is partly because not all e-packages are relevant to every sworn member's role. For example, crowd management will not be a topic that a sworn member in a regional town with a small population will likely require, however it may be mandatory for a sworn member operating in an inner-city metropolitan station.
75. Many of the e-learning packages are required for completion within specific or specialist areas to provide sworn members with the right information necessary to effectively perform their role. As a result, when a sworn member specialises in a particular area (for example family violence), or is promoted to a more senior rank, they are required to undertake further training, including e-packages related to that role, rank, or area.
76. As so many e-packages are already mandatory for all Victoria Police sworn members, the approval process for an e-package to be completed organisation-wide is competitive. For an e-package to become mandatory across the organisation, it must be signed off by a Deputy Commissioner through the Executive Command process. Executive Command is the primary decision-making body at Victoria Police and provides the strategic direction for the organisation.²¹ Executive Command consists of the Chief Commissioner of Police, and Deputy Commissioners and Deputy Secretaries from the six branches of Victoria Police.
77. Mandating completion of an e-package, or any training, also requires that more than 16,000 staff take the time to complete the e-package. Depending on the length of the e-package, this could equate to thousands of hours where sworn members are not engaged in their other duties.
78. Although 73 of the 177 e-packages are mandatory, most sworn members undertake them during the Foundation program. This is when sworn members are at the beginning of their careers as recruits and their consumption of training material is extensive. However, there is no requirement to undertake them again. Whilst sworn members are free to refresh their knowledge by redoing an e-package at any time, this does not occur for a large proportion of staff. As a result, sworn members' awareness and understanding of certain topics that are covered in their early training may not be current as they are not required to refresh their knowledge over time.
79. There are limited circumstances where an e-package may be completed again. One example is the Basic Wildfire Awareness e-package which is required to be undertaken roughly every two years. Also, an individual sworn member may be instructed to re-do an e-package if there is a concern relating to their behaviour or performance. Finally, where an e-package is reviewed and updated it may be required to be completed again by the team or area that it relates to. Unlike these examples, the Information Security e-package is not required to be refreshed periodically.

Findings

80. Sworn members receive significant amounts of training through the recruit and foundation training program at the commencement of their policing careers. This training includes principles of information

²¹ Victoria Police, Annual Report 2020-21, p 6.

security, confidentiality, and disclosure obligations. There is also a focus on ethical decision making through several different face-to-face and online modules.

81. Training material often refers to Victoria Police recruits acting with 'integrity' and abiding by organisational values set out in the VPM. These values cover integrity, honesty, confidentiality, and human rights but lack explicit instruction on privacy considerations. The current training environment appears to provide instruction on information handling in the initial stages of officer's careers. However, as they progress there is a heavy reliance on interpretation of ethical standards.
82. Victoria Police does not require staff to re-take certain core training e-packages periodically. As a result, staff may not have up to date knowledge. Currency of knowledge about privacy and information handling is important as the interpretation of the IPPs and amendments to the PDP Act continue to shift the landscape. Up to date knowledge means that personnel are better able to understand their obligations and manage personal information appropriately.
83. OVIC also found that those sworn members who progress through the ranks of Victoria Police, or specialise in specific roles, encounter more training opportunities through promotional or specialist programs. However, there are limited opportunities for continued training for those who stay at the same rank throughout their career. Most Victoria Police sworn members are made up of the more junior ranks.
84. The only regular training that all sworn members undertake is the twice-yearly Operational Safety and Tactics training that focuses on practical skills like firearms safety and other tactical and operational training.

Privacy and information handling training at Victoria Police

Information handling training provided to Victoria Police sworn members

85. The organisational response from Victoria Police to the examination noted that it did not offer any specific privacy training. Victoria Police noted that the primary reason for this was due to resourcing constraints within the SIPD.
86. While no privacy training is currently available to sworn members through SIPD, Victoria Police told OVIC about some of the past training initiatives as well as plans for future training and awareness initiatives. These included the Protective Security Portfolio Holder (**PSPH**) network, incidental and ad hoc training, online learning modules, or e-packages, and the development and refreshing of online resources and tools.

Protective Security Portfolio Holders

87. The role of a PSPH is established under policy and involves assisting the manager of an operational area to meet their information management and security obligations.²² The PSPH was introduced in 2018 and is designed to be the touch point for sworn members for all aspects of:
- Information management;
 - Information security;
 - Records management; and
 - Privacy.
88. The PSPH is also designed to provide a touch point for communications between DSSD, the work unit manager, and the wider sworn member cohort. Victoria Police told OVIC that providing training and building the knowledge of the PSPH network was important so that PSPHs can provide guidance to sworn members, direct them to privacy and information security resources, and act as a liaison between SIPD and the sworn member cohort.
89. The PSPH network was originally established through the efforts of the Education unit within SIPD. Victoria Police noted the PSPH network consisted of approximately 650 representatives across Victoria. While there is a large cohort of PSPHs, Victoria Police told OVIC that the network has been inactive and ‘treading water’ for over a year. This was due to a lack of staff in the Education unit to maintain the network through regular engagement. As a result, SIPD has lacked those touch points with the regions.
90. Victoria Police told OVIC that the Education unit had previously delivered regular community of practice sessions with the PSPH network. These sessions, while not specifically classed as ‘training’, provided opportunities for PSPHs to share knowledge and hear from the Education unit on topical issues in the protective security space, which often touched on privacy. It was also noted that the community of practice was generally well attended however, following the pandemic and the commencement of online engagement, attendance has grown considerably.
91. According to Victoria Police, the PSPH network had been inactive for over 12 months and SIPD had no regular engagement with the network during that time. Victoria Police told OVIC about its plans to re-establish the network to assist in important planned security initiatives, such as the introduction of a

²² Victoria Police, Victoria Police Manual, *Information management and information security roles and responsibilities*, 2019; Victoria Police, Protective Security Guide – 460, Protective Security Portfolio Holders: roles and responsibilities, April 2018, p 1.

passphrase, rather than the current requirement for a password, for system access. It was noted that reinvigoration of the PSPH network would require considerable effort given the network had been inactive for so long. Victoria Police also noted that the reinvigoration of the PSPH network would involve re-requesting existing staff, or seeking new portfolio holders, to undertake the role due to the length of inactivity.

92. The PSPH network provides an example of a community of practice in the information handling space within Victoria Police. The network can be highly valuable due to the PSPH's role as a touch point for guidance and education on privacy and information handling within Victoria Police. However, the recent lack of engagement and maintenance of the network due to resourcing issues has led to its erosion in both capacity and effectiveness. More resources in the Education unit would ensure that the PSPH network is maintained and able to carry out its function of providing guidance and resources to staff about privacy and information security.

Incidental ad hoc training

93. In recent years, Victoria Police has provided ad hoc information handling training to sworn employees. This training was often reported as being the result of a request from a PSPH officer for training within their work unit. SIPD also provided larger scale training to the entire Eastern Region. In this example, over 20 sessions were delivered to approximately 1500 sworn members through Microsoft Teams.
94. Victoria Police was unable to provide details of what was covered in the training as no records were kept. However, it was noted by Victoria Police that while the topics covered did not specifically focus on privacy, content related to privacy was discussed. The lack of recorded documentation relating to the training suggests that Victoria Police's approach to this training may not be well organised. This also suggests that whilst information handling training has been delivered from time to time, its delivery has been fragmented.
95. A positive outcome from the pandemic was the transferral of training to online platforms making the sessions more accessible and leading to increased attendance. This was noted as particularly beneficial for regional members as the online delivery eliminated the resourcing implications of travelling to Melbourne for ongoing education. Victoria Police noted that for regional members the time and budget saved meant that training had become less of a strain and was therefore better attended.

Information handling e-packages

96. There are several e-packages mandated for all sworn members that touch on topics that are relevant to information handling practices. They include:
- Information Security;
 - Cyber Security;
 - Frontline Information Collection; and
 - Disclosure.
97. The Information Security e-package was created in 2015 and provides a broad overview of information handling expectations of Victoria Police personnel. It incorporates practical scenarios where participants must consider their options and obtain the correct answer before progressing to the next part of the e-package. It considers key information security themes including confidentiality, integrity, and availability, and reflects concepts like protective markings, the need-to-know principle, physical security, and provides direction to resources.

98. This e-package is a key piece of information handling training provided to sworn members, however it does not cover privacy content including the IPPs. The e-package references the PDP Act in relation to the disclosure of a colleague's personal information to another colleague however it does not cover the concept of privacy in any detail. Further, as the e-package was created in 2015 the information provided may not be up to date meaning that staff knowledge regarding information security may not be current.
99. Another important information handling e-package is Cyber Security. This e-package has three modules and was created in 2019 in line with Victoria Police's Cyber Security Strategy. The e-package covers content related to members' obligations to protect information while using portable electronic devices such as phones, laptops, USBs, tablets, and body-worn cameras. It also considers social media use, phishing, two-factor authentication, appropriate information collection and storage, and password protection.
100. The third module of the Cyber Security e-package deals specifically with social media and internet usage. It considers the importance of privacy and security settings on social media sites and notes the potential consequences of inappropriately sharing Victoria Police information. Some of the consequences listed include reputational damage to the individual and Victoria Police, safety issues, and threats to operations.
101. This e-package is instructive and outlines the potential pitfalls of using electronic devices as well as providing suggestions on how to avoid these issues. This includes suggesting sworn members revise their privacy settings on social media, refrain from posting about Victoria Police operations, and how to minimise their digital footprint. Finally, the module also links back to the relevant VPMs by referencing the Use of Email, Use of Internet, and Social Media and Online Engagement VPMs. This is helpful as it directs sworn members to the internal policy framework that provides the minimum standards that they are subject to under the PDP Act and other relevant legislation.
102. There is also a human rights e-package which all sworn members are required to undertake. It provides an overview of members obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) including section 13 which relates to a person's right to privacy. While the right to privacy is referenced in the e-learning module, no link is made to the privacy rights and responsibilities under the PDP Act. Referencing this legislation would assist sworn members to better understand complementary and related privacy obligations in Victoria.
103. The human rights e-package also includes real life scenarios that focus on human rights decision-making tools. Again, there is a focus on Victoria Police values including integrity, however the content of the e-package is both short and high-level, and there is limited detail around topics.
104. There are several e-packages that touch on information handling and privacy. The Cyber Security and Information Security e-packages are most closely focused on information handling, however neither specifically deals with sworn members' obligations under the PDP Act. The Cyber Security e-package has a focus on preserving personal privacy and the privacy of information held by Victoria Police when using electronic devices, however it does not explore the privacy implications for Victorians when information is misused. Likewise, the Information Security e-package deals with how to protect information but does not canvas the IPPs under the PDP Act, nor does it provide guidance on Victoria Police's Privacy Policy or Privacy Complaints Handling Policy.

Review of training provided by SIPD

105. When SIPD has provided training to sworn members regarding information handling the training has not always been regularly reviewed either for content currency or training efficacy. It was noted by

Victoria Police that there is an earnest desire to improve training in the information handling space, however this has not been based on a formal review process. This highlights that the efficacy of training, and training needs, has not been formally reviewed by SIPD.

Privacy complaints handling

106. An individual may make a privacy complaint to Victoria Police in circumstances where the individual believes the organisation has not appropriately handled their personal information. Victoria Police has a Privacy Complaints Handling Policy (**Complaints Policy**) which sets out the procedure for the handling of privacy complaints made by members of the public. The policy covers complaints in relation to both IPPs under the PDP Act and the Health Privacy Principles under the *Health Records Act 2001*.
107. Victoria Police maintains a register of privacy complaints reported to the Privacy unit. Victoria Police has recorded low numbers of privacy complaints annually over the last three years. In 2021, the organisation recorded a total of 16 privacy complaints with 13 of those related to the IPPs.

Table 2 - Number of privacy complaints recorded by Victoria Police from 2019-2021

| | 2019 | 2020 | 2021 |
|--------------------|-----------|-----------|-----------|
| Privacy Complaints | 9 | 20 | 13 |
| Health Complaints | 6 | 1 | 4 |
| Total | 15 | 21 | 16 |

108. The Complaints Policy states that any Victoria Police officer can receive a privacy complaint from a member of the public.²³ The Complaints Policy says that in some instances resolution of a privacy complaint may be achieved at the local level, however where a privacy complaint is unable to be resolved a report detailing the complaint is to be forwarded to the Privacy unit. Victoria Police told OVIC that it was likely that privacy complaints were under-reported to the Privacy unit due to their ability to be managed at a local level.
109. As a result, only those complaints that are unable to be resolved are recorded on the privacy complaints register, meaning that SIPD has little visibility of the extent of privacy complaints within the organisation. This suggests that Victoria Police may lack awareness of the nature and extent of privacy complaints and remediation at Victoria Police.
110. Victoria Police also discussed the implications of low recorded numbers of privacy complaints on bids for resourcing. It was noted that low privacy complaint numbers reduced the likelihood of making a successful business case for increased resourcing. Other areas such as Professional Standards Command receive, and are tasked with investigating, comparatively large numbers of complaints each year, with thousands of alleged malpractice complaints received annually.
111. Victoria Police confirmed that there was currently no training provided to sworn members in relation to how to manage a privacy complaint when it is made to them. As a result, it is likely that sworn members would not have an understanding of their obligations under the Complaints Policy and the PDP Act unless they actively searched for resources on the Victoria Police intranet.

²³ Victoria Police, Privacy Complaints Handling Policy, p 6.

112. Victoria Police should consider providing education regarding privacy complaints handling. Training in this space would assist sworn members to better understand their privacy obligations and would provide them with an understanding of how to manage a privacy complaint made to them.

Structure and resourcing of the Security, Information and Privacy Division

113. The SIPD is responsible for the strategic direction, governance, advice, and promotion of protective and cyber security, privacy, information management, and records management at Victoria Police.²⁴

114. SIPD contains two teams that have functions relevant to privacy and information handling training; the Education unit, and the Privacy unit. The Education unit is responsible for training, advice, and guidance related to protective security, including coordinating the PSPH network. The Privacy unit is responsible for training, advice, and guidance about privacy, and is also responsible for investigating and handling privacy complaints referred, or made, to them.

115. In February 2022, when OVIC spoke with representatives of SIPD, all positions in both the Education unit and the Privacy unit were vacant. The lack of staff in the Privacy unit meant that privacy training could not be delivered, and privacy complaints had to be managed by other staff within SIPD. The lack of staff in the Education unit also meant that the PSPH network could not be maintained. The staff shortages within these two teams seriously diminished the training and guidance function of Victoria Police around information handling and privacy.

116. Victoria Police told OVIC in February 2022 that SIPD had approval to fill one VPS 4 role in the Privacy unit and one VPS 4 role in the Education unit. Following this recruitment, the Privacy unit would still be at 50% capacity. Effective resourcing of the Privacy unit – over and above the 2 roles envisaged – will provide greater confidence and support to sworn members, and the public, that sensitive and delicate personal information is being handled appropriately.

Findings and recommendations

117. The examination found that as of February 2022, Victoria Police had not provided any privacy specific training available for its members for more than a year. This is in part due to the lack of staff resources within the SIPD.

118. SIPD has a dedicated Security, Education and Compliance unit and a Privacy unit which are responsible for guidance and education in the privacy and information handling space. However, the examination found that no staff were employed in these teams in February 2022.

119. While no dedicated privacy training was on offer to Victoria Police members, the examination found there was a range of training that touched on information handling principles including cyber security and information security. All Victoria Police sworn members are required to undertake an online training e-package relating to information security and another on cyber security during recruit training or when onboarding. However, staff are not required to refresh their knowledge by re-completing e-packages after initial completion during recruit training.

120. Due to the lack of privacy training provided to Victoria Police sworn members, the organisation may not be compliant with its obligations under IPP 4.1. To comply with IPP 4.1 Victoria Police must take reasonable steps to protect the information it holds from misuse and loss and from unauthorised access, modification or disclosure. This may include providing adequate training to staff to build awareness around issues of privacy and information security.

²⁴ Victoria Police, Security Information and Privacy Division, Sharepoint.

121. As a result, OVIC makes the following recommendations:

Recommendation 1:

- Victoria Police should allocate appropriate resourcing to the Privacy unit and Education unit. This will ensure Victoria Police can perform its functions, including providing information handling education and training to sworn members.

Recommendation 2:

- Victoria Police should develop and deliver training to sworn members about their obligations:
 - under the PDP Act and the Information Privacy Principles, and
 - under internal policies relating to privacy, including the Privacy Policy and Privacy Complaints Handling Policy.
- This training should be refreshed periodically to ensure staff have up to date knowledge and understanding of developments in privacy and information handling.

Recommendation 3:

- Victoria Police should implement a system requiring all privacy complaints received by operational areas (such as local stations) to be reported to the Privacy unit. This will ensure that operational areas can handle complaints with appropriate privacy expertise; increase awareness of the Privacy unit's functions; and assist the Privacy unit to identify trends that will inform the development of training and guidance.

Family Violence information handling training

122. Awareness of, and focus on, the prevalence and impact of family violence has grown in recent years, both within Victoria Police and the wider community. This occurred following a series of family violence related deaths and the Royal Commission into Family Violence that followed.²⁵ As a result, family violence continues to be a major community safety challenge for Victoria Police.²⁶ Victoria Police told OVIC that family violence incidents are involved in a large proportion of callouts. In 2020- 21, Victoria Police reported more than 93,000 incidents involving family violence.²⁷
123. Information collected relating to family violence investigations can include sensitive and delicate information. Personal information such as a person's address is not considered sensitive information as defined under the PDP Act, however in the context of family violence may be considered delicate. This is because the safety of a victim survivor may depend on their address remaining undisclosed - the risk of harm to a victim survivor is high if this information is shared with the perpetrator of family violence. As a result, appropriate management and security of information in family violence investigations is vital to protecting victim survivors' privacy, and physical and mental welfare.
124. The importance of appropriately sharing and protecting information involved in family violence investigations is illustrated in the mishandling of a Victorian family violence victim survivor's information in May 2020. In this example, the victim survivor's plans to leave an allegedly abusive partner were shared, by Victoria Police members, with the perpetrator, who was a Victoria Police officer, thereby putting her and her family's safety at risk.²⁸
125. In another example in 2019, the Queensland Civil and Administrative Tribunal found the Queensland Police had breached the state's IPPs after finding a Queensland Police officer had inappropriately accessed a Police database.²⁹ The Queensland Police officer had searched the system, at the request of a childhood friend, for the residential address of the friend's separated wife who had alleged family violence. On discovering that her estranged partner had obtained her residential address the victim survivor was in fear for her and her children's safety.
126. Both examples demonstrate the extreme risk of harm that can occur as a result of mishandling sensitive information involved in family violence investigations. It is vital that sworn members are provided with training and education to ensure that information is appropriately collected and managed during family violence investigations.

Impact of the Royal Commission into Family Violence

127. The Royal Commission was called in 2015 following a series of family violence-related deaths including that of a 12-year-old boy. The Royal Commission made 227 recommendations aimed at improving Victoria's response to family violence situations, 26 of which were directed to Victoria Police.

²⁵ <https://www.abc.net.au/news/2015-06-17/woman-called-police-38-times-before-being-stabbed-to-death/6553714>; <https://www.abc.net.au/news/2015-09-28/rosie-batty-on-inquest-findings/6809906>; <https://www.coronerscourt.vic.gov.au/family-violence-responses-reviewed-after-2014-death>

²⁶ Victoria Police, Gazette, 22 November 2021, no 24.

²⁷ Victoria Police, Annual Report 2020-21, p 30.

²⁸ Matilda Marozzi, Australian Broadcasting Corporation, Victoria Police, Minister Apologise to domestic violence victim after 'appalling' privacy breach, 17 June 2020, available at <https://www.abc.net.au/news/2020-06-17/victoria-police-officers-domestic-violence-lisa-neville/12332238>

²⁹ ZIL v Queensland Police Service [2019] QCAT 79 <https://archive.sclqld.org.au/qjudgment/2019/QCAT19-079.pdf>

128. The findings and recommendations of the Royal Commission informed the Victorian Government's 10- year family violence reform plan released in November 2016.³⁰ This was soon followed by the Family Violence Rolling Action Plan 2017-2020 which outlined some of the key initiatives and funding allocation for the implementation of the reform plan.³¹ Included in the Action Plan was the establishment within Victoria Police of the Family Violence Centre of Learning (**FV Centre of Learning**) for tailored family violence training, and the creation of 415 specialist family violence roles including family violence training officers.
129. Information sharing is a key consideration in family violence investigations. Information sharing between government organisations can assist to deliver significant benefits to individuals and the public through the coordination of services and support. In the family violence context, information sharing between certain information sharing entities (**ISEs**) is necessary for activities related to the assessment and management of risk.³²
130. The Family Violence Information Sharing Scheme (**the Scheme**) is established under Part 5A of the *Family Violence Protection Act 2008* (Vic). It was introduced as part of the legislative reform that followed the Royal Commission. The Scheme provides a legislative basis for organisations such as Victoria Police to share and receive information related to family violence in certain circumstances. Whilst the Scheme provides the capacity for ISEs, like Victoria Police, to share information, they are still subject to the PDP Act and the IPPs although they have modified application.³³

Family Violence information handling training delivered to sworn members

131. There is a range of different training available for sworn members to undertake that relates to both family violence investigation, and information management and security more broadly. Family Violence Command (**FVC**) is the area within Victoria Police that focuses on driving reform and improvement in policing family violence, sexual offences, and child abuse. FVC is also the subject matter expert that determines the content and direction of the training delivered by the FV Centre of Learning, which is part of People Development Command.
132. The FV Centre of Learning delivers training aimed at various ranks and roles of the sworn member cohort, including recruit training, training for operational or front-line members, supervisory roles, and specific family violence investigation roles. In 2020-21, the FV Centre of Learning delivered 2,714 hours of training via online and face-to-face methods.³⁴
133. There are several different family violence training modules offered by Victoria Police that touch on information handling and privacy. The role that a sworn member has will determine the level of family violence training they are exposed to. For instance, all recruits are required to undertake a one-hour information sharing session. This training session covers topics like the legislative basis for information sharing; how to make and receive an information request; and privacy considerations.
134. Family violence investigators must undertake a Civil and Criminal Evidence training session which deals with disclosure obligations of staff in relation to information gathered. Further, the Digitally Recorded Evidence in Chief session covers the digitally recorded capture of statements in family violence

³⁰Ending Family Violence: Victoria's Plan for Change, <https://www.vic.gov.au/ending-family-violence-victorias-10-year-plan-change>

³¹ <https://www.vic.gov.au/family-violence-rolling-action-plan-2017-2020>

³² OVIC, Family Violence Information Sharing Scheme and Privacy, p 3, available at: <https://ovic.vic.gov.au/privacy/family-violence-information-sharing-scheme-and-privacy/>

³³ OVIC, Family Violence Information Sharing Scheme and Privacy, p 3, available at: <https://ovic.vic.gov.au/privacy/family-violence-information-sharing-scheme-and-privacy/>

³⁴ Victoria Police, Annual Report 2020-21, p 28.

incidents. It refers to privacy in relation to consideration of the location for undertaking the digitally recorded statement, however it does not refer to obligations under the IPPs or the PDP Act.

135. The Family Violence and Child Information Sharing Schemes is another 2-hour training session which is delivered to all supervisors, family violence investigators, and sexual offence and child abuse investigators. The information sharing session discusses sworn members' obligations around information sharing and how this can be done to reduce risk. It also considers the PDP Act including the IPPs, relevant exemptions, and consent thresholds for what can and cannot be shared. This session specifically refers to obligations under the IPPs and references OVIC resources regarding information sharing.
136. Victoria Police told OVIC that providing this training session at the operational supervisor ranks such as sergeant and senior sergeant, means that these staff can monitor, supervise, and educate junior ranks in the course of their duty. This further demonstrates that sworn members in supervising roles and specialist roles, such as family violence, have increased exposure to education relating to information handling and privacy compared to recruits and other sworn members who do not progress through the ranks.

Family Violence training officers

137. Family Violence training officers form part of the FV Centre of Learning and are allocated to each of the 21 Victoria Police Divisions. Their role involves training sworn members in all facets of family violence legislation, policy, and procedure, including information sharing under the Child Information Sharing and Family Violence Information Sharing Schemes. Family Violence training officers also provide training opportunities at a local, or station, level. They can tailor training to the specific needs of a station as well as working with individual sworn employees.
138. Family Violence training officers also collect information regarding trends and themes in family violence related policing to help identify broader organisational risks and opportunities in the family violence investigation and response space.
139. Victoria Police told OVIC that it has recently rolled out a new application, named the Family Violence Education Register (**FVER**), which tracks, and records training undertaken by the FV Centre of Learning. The application, used by family violence training officers, records family violence incidents and tracks employee engagement. The application provides visibility of sworn members' family violence related engagements and can assist to identify gaps in investigative management and handling and create targeted education and training for sworn members.
140. Victoria Police training staff also told OVIC that sworn members sometimes feel as though they must play an educative role with other agencies in relation to information sharing. This may be due to staff from other agencies involved in the information sharing scheme not always having a clear understanding of their obligations around information sharing in family violence.
141. While there is a broad range of family violence related training provided to sworn members around information sharing, they still face challenges around how to appropriately implement the Scheme. Victoria Police told OVIC that sworn members are concerned about how to handle family violence information. OVIC was advised that common questions raised by members relate to 'what can I ask people for', 'how can I share information' and 'what are the consequences of sharing'.

Findings

142. The examination found that since the Royal Commission, Victoria Police has done extensive work on family violence training. The recommendations from the Royal Commission, and the government funding that accompanied them, have allowed Victoria Police to build a family violence training infrastructure that supports appropriate information handling. This demonstrates the positive and lasting changes that can be made at Victoria Police when focus and resourcing are provided.

Annexure A – Agency response



VICTORIA POLICE

Office of the Chief Commissioner

Mr Sven Bluemmel
Information Commissioner
Office of the Victorian Information Commissioner

OVIC Examination into privacy and information handling training at Victoria Police.

Dear Commissioner Bluemmel,

Thank you for your examination of privacy and information handling training at Victoria Police.

I am pleased to note the findings in the examination of the significant uplift in training by Victoria Police in privacy and information handling associated with family violence since the 2016 Royal Commission. I also acknowledge the findings recognition of positive and lasting change in this area achieved by the organisation to ensure confidentiality and certainty to the public when reporting family violence.

I also accept that privacy training is an ongoing obligation to ensure Victoria Police members skills and knowledge remain contemporary in this area. Whilst recruit and on the job training, mentoring and other role or performance-based training addresses privacy and information handling, in the spirit of continuous improvement, Victoria Police will review further privacy and information handling education on an annual basis to ensure up to date knowledge is maintained across the organisation in this key area.

To compliment the above, further resourcing has recently been onboarded into the Victoria Police Privacy team. This uplift in resourcing will further assist in refreshing training materials and maturing existing processes and guidance materials around the privacy and information handling for all Victoria Police personnel.

I accept the findings of the OVIC examination and commit that Victoria Police will strive to implement all recommendations.

Yours sincerely,

Ross Guenther APM
Acting Chief Commissioner

11/08/2022

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