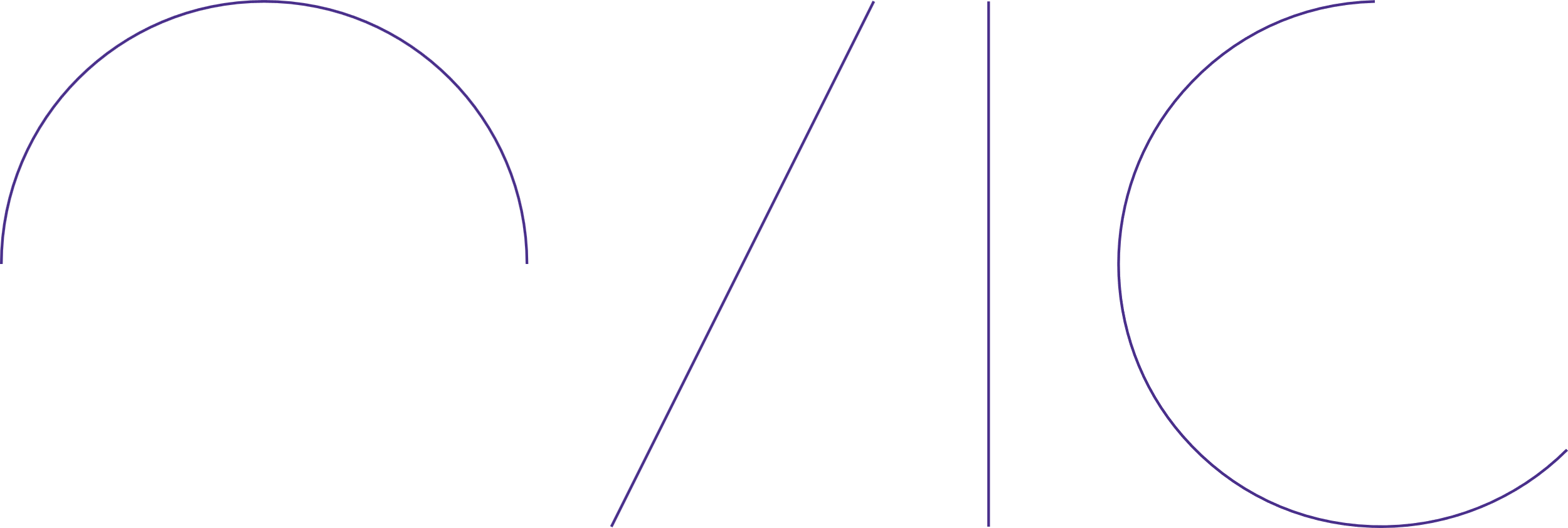
Generative Artificial Intelligence Use Policy and Procedures



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# Purpose

This document outlines the Office of the Victorian Information Commissioner’s (**OVIC**) policies and procedures in relation to the use of generative artificial intelligence (**generative AI**) for work purposes by OVIC employees, others performing work for OVIC such as secondees, those on student placement or contractors, and statutory office holders.

# Application

This document applies to all OVIC employees and statutory officers, including contractors, students and volunteers (collectively referred to as **“you”** in this document).

# Scope

This document applies to a subset of artificial intelligence called generative AI.

This document is not intended to apply to other types of artificial intelligence, such as automation, prediction, recommendation or decision systems that do not otherwise fall within the definition of ‘generative artificial intelligence’. While these other systems may also rely on machine learning and inference they do not generate new content.

This document covers:

* when you can use generative AI tools for work purposes
* how you can obtain approval to use a generative AI tool in your work
* your obligations when using OVIC-approved generative AI tools in your work, and
* what you should do when a stakeholder proposes to use, or uses, a generative AI tool during a work meeting.

# Definitions

|  |  |
| --- | --- |
| Artificial Intelligence (AI) | A machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.[[1]](#footnote-1) |
| Generative AI | A type of AI that creates content, such as text, images, music, audio and videos. |
| Generative AI model | An algorithm that has been trained using machine learning, on a large amount of data, to recognise patterns and make predictions, to create content with similar properties to its training data, such as text, images, music, audio and videos. |
| Generative AI tool | A software system that allows a user to interact with the generative AI model. The tool creates content, such as text, images, music, audio and videos, in response to information entered by the user (known as a ‘prompt’ or ‘input’). |
| Health information | Refer to [section 3](https://www.legislation.vic.gov.au/in-force/acts/health-records-act-2001/049) of the *Health Records Act 2001* (Vic). |
| Machine learning | A set of mathematical techniques for creating algorithms that allow computational systems to learn from data. |
| Output | The information created by the generative AI tool, in response to the user’s prompt. |
| OVIC-approved generative AI tool | A tool that has been approved for use by the Information Commissioner, for specified purposes, with specified types of information. An OVIC-approved generative AI tool may be a publicly available generative AI tool or a securely managed generative AI tool. |
| Personal information | Refer to [section 3](https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/031) of the *Privacy and Data Protection Act 2014* (Vic). |
| Prompt / input | The information entered or uploaded into a generative AI tool by the user. |
| Publicly available generative AI tool | Generative AI software that is available to individuals for free or by subscription. It may be available through a web browser or application. |
| Publicly available information | Information that is already published and widely available. It includes public sector information that is publicly known or approved for public release. |
| Public sector information | Any information (including personal information) obtained, received, or held by OVIC, whether or not OVIC obtained, received or holds that information in connection with its functions. This includes structured and unstructured data. |
| Securely managed generative AI tool | Generative AI software that is capable of being securely managed by an organisation, in that the information in the inputs, training data and outputs, can be configured so that it is only available to authorised users and is not made available outside the organisation. |
| Sensitive information | Refer to [Schedule 1](https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/031) of the *Privacy and Data Protection Act 2014* (Vic). |
| Stakeholder meeting | A meeting between one or more OVIC employees with one or more VPS employees, contractors, consultants, or volunteers, that occurs as part of carrying out one or more of OVIC’s functions or powers. A stakeholder meeting does not include training or events held by OVIC or external providers. |
| Sensitive stakeholder meeting | A stakeholder meeting that involves information with a [Business Impact Level](https://ovic.vic.gov.au/information-security/victorian-protective-data-security-framework-business-impact-level-table-v2-1/) (**BIL**) rating of 2 or above and a [protective marking](https://ovic.vic.gov.au/information-security/practitioner-guide-protective-markings/) of OFFICIAL: Sensitive or above. |

# Related Documents

Your use of generative AI tools is subject to other legislation, policies and requirements, including:

* the *Privacy and Data Protection Act 2014* (Vic), including the [Information Privacy Principles](https://ovic.vic.gov.au/privacy/resources-for-organisations/information-privacy-principles-full-text/) and [Victorian Protective Data Security Standards](https://ovic.vic.gov.au/information-security/standards/).
* the *Health Records Act 2001* (Vic), including the [Health Privacy Principles](https://www.legislation.vic.gov.au/in-force/acts/health-records-act-2001/049).
* [*Charter of Human Rights and Responsibilities Act 2006* (Vic)](https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/the-charter/). The Charter requires OVIC to act compatibly with human rights and properly consider human rights before making a decision. The Charter promotes and protects the values of freedom, respect, equality, fairness, safety, dignity and privacy.
* [*Code of Conduct for Victorian Public Sector Employees of Special Bodies*](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies/), which sets out the standards of behaviour expected of OVIC employees and promotes adherence to the public sector values in the *Public Administration Act 2004* (Vic).
* *Public Records Act 1973* (Vic)*,* and PROV’s [Artificial Intelligence Technologies and Recordkeeping Policy](https://prov.vic.gov.au/recordkeeping-government/document-library/ai-technologies-policy-ai-technologies-and-recordkeeping) and [guidance on AI and recordkeeping](https://prov.vic.gov.au/recordkeeping-government/a-z-topics/AI), relating to the creation, maintenance and security of public records.
* Commercial and intellectual property law, such as the *Copyright Act 1968* (Cth).
* [Administrative Guideline for the safe and responsible use of Generative Artificial Intelligence in the Victorian Public Sector](https://www.vic.gov.au/administrative-guideline-safe-responsible-use-gen-ai-vps) (**VPS Guideline**). The VPS Guideline sets the minimum expectations for the use of generative artificial intelligence by the VPS. This document contains stricter requirements and takes precedence over the VPS Guideline.
* OVIC Security Handbook and Incident Management Plan
* Guidance for OVIC employees on the use of generative artificial intelligence.

# Policy Statements

## Acceptable use of generative AI tools

You are only permitted to use OVIC-approved generative AI tools in your work.

## OVIC approval to use a generative AI tool

OVIC will consider the use of a generative AI tool, where its proposed use will improve OVIC’s ability to fulfil its role as the integrity body overseeing Victorians’ information rights.

## Seeking OVIC approval to use a generative AI tool

You must follow the procedure set out in this document when seeking OVIC’s approval to use a generative AI tool.

## Your obligations when using an OVIC-approved generative AI tool

You will use OVIC-approved generative AI tools in a responsible, safe and secure manner, in accordance with the conditions of the approval.

You will follow the procedures in this policy before, during and after the use of an OVIC-approved generative AI tool.

You will not use an OVIC-approved generative AI tool to inform decision-making that affects individuals, groups or organisations. This includes using a generative AI tool in an earlier step in the decision-making process.

You will check whether the outputs of a generative AI tool are accurate and appropriate, before using them in your work. Generative AI tools do not, themselves, “know” anything and cannot be relied on to provide factual information. Any outputs will need to be reviewed by people with subject matter expertise.

You will capture, manage and maintain proper records in Content Manager, relating to your use of OVIC-approved generative AI tools.

You will be transparent about your use of an OVIC-approved generative AI tool, when communicating with colleagues and stakeholders. This includes explaining how the generative AI tool was used as part of the work produced.

You will take appropriate action where required, including seeking help and reporting incidents.

### OVIC-approved publicly available generative AI tools

You will only enter publicly available information into publicly available generative AI tools.

### OVIC-approved securely managed generative AI tools

You will obtain approval from the Information Commissioner before entering or uploading the following information into an OVIC-approved securely managed generative AI tool:

* de-identified information; and/or
* information that is subject to contractual confidentiality or legal professional privilege.

## Use of generative AI tools by external stakeholders

OVIC prefers that generative AI tools are not used in sensitive stakeholder meetings and has published this advice to stakeholders.

You will follow the procedures in this policy regarding the use of generative AI tools by external stakeholders during sensitive stakeholder meetings between you and the external stakeholder.

# Roles and Responsibilities

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Role | Responsible | Accountable | Consulted | Informed |
| Develop policy and procedures and communicate to employees | Chief Operating Officer | Information Commissioner | Corporate Governance Committee | OVIC employees |
| Review policy and procedures | Chief Operating Officer | Information Commissioner | Corporate Governance Committee | OVIC employees |
| Receive and review requests under this document to use a generative AI tool | ITGC/CGC | Information Commissioner | Submitter | Submitter |
| Approve requests to use a generative AI tool | Information Commissioner | Information Commissioner | Submitter and ITGC/CGC | Submitter and OVIC employees |
| Read and comply with this document | OVIC employees and statutory office holders | OVIC employees and statutory office holders |  |  |
| Attend training relevant to this document | OVIC employees and statutory office holders | Chief Operating Officer |  |  |

# Procedures

This section sets out how OVIC expects you to implement the policy statements in this document. It explains:

* when you can and cannot use generative AI tools in your work,
* how you can obtain approval to use a generative AI tool in your work,
* the resources OVIC expects you to read and understand, before using a generative AI tool, or seeking approval to use a generative AI tool, for work purposes,
* how to use OVIC-approved generative AI tools safely and responsibly, and
* what you should do if a stakeholder proposes to use, or uses, a generative AI tool in a work meeting.

## General

Unless the tool is OVIC-approved, you are not permitted to use for work purposes:

* + any publicly available generative AI tools
  + generative AI tools built into web search engines
  + generative AI tools built into existing OVIC-provided software applications, such as Adobe, Microsoft Word and Outlook, and
  + generative AI tools on your own personal device.

To be ‘OVIC-approved’, your use of the tool must be approved by the Information Commissioner, after following the process outlined under ‘Seeking OVIC approval to use a generative AI tool’.

A list of OVIC-approved tools and the OVIC personnel approved to use them is listed at **Appendix A**.

### Generative AI built into existing OVIC software

If you receive a pop-up-box or notice that a new generative AI feature is available in an OVIC-provided software application

1. do not turn the feature on, and
2. report the feature to the IT Helpdesk for further investigation.

### Generative AI built into web search engines

Some web search engines have generative AI functionality that can be accessed by users.

If there is no option to turn off this functionality or avoid using the generative AI tool to use the search engine:

1. report the search engine to the IT Helpdesk for further investigation, and
2. ensure that you only enter publicly available information into the search engine.

## Seeking OVIC approval to use a generative AI tool

To obtain OVIC’s approval to use a generative AI tool in your work, follow these steps:

1. Read this document, OVIC’s guidance on the use of generative AI and the documents under ‘Expected knowledge’.
2. Consider and understand the proposed purpose/s of using the tool and the type/s of information proposed to be used. Consider how the proposed use case will improve OVIC’s ability to fulfil its role as Victoria’s regulator of information rights.
3. Consult with other teams to determine whether they would also like to use the tool and if so, for what purpose/s and with what type/s of information.
4. Prepare one business case on behalf of all teams that would like to use the tool, using the template business case in D25/1494.
5. Submit the business case to the relevant Deputy Commissioner for in-principle endorsement of the proposed tool, use case/s and type/s of information.
6. If endorsed, prepare a Security Risk Assessment and if required, a Privacy Impact Assessment and Charter assessment and submit the relevant assessments for approval. Follow OVIC’s PIA and SRA process in D19/8048 and use the provided templates in folder 20/398 and OVIC25/59.
   1. where personal information is involved, a PIA will need to be completed and included with the business case.
   2. a charter assessment will need to be performed where the proposed use may limit or interfere with Charter rights. Where no rights are engaged, note this in the business case.
7. Submit the business case to the Information Commissioner for approval, attaching any approved assessments for noting by the Information Commissioner.
8. Record the outcome in Content Manager. If approved, notify OVIC via hr@ovic.vic.gov.au to add the approval to Appendix A of this document.
9. Only use the tool for approved purposes and with approved type/s of information.
10. Review business case and assessments annually.

### Writing a business case

The business case should include:

* The proposed use case/s for the generative AI tool. Explain what you want to use it for, and why. Explain how it will improve OVIC’s ability to fulfil its role as a regulator of Victorians’ information rights.
* The types of information proposed to be entered or uploaded into the generative AI tool. For example, publicly available information, personal information or information classified as OFFICIAL or higher.
* The type of generative AI tool/s proposed to be used:
  + If the business case proposes to use any public sector information that is not publicly known or approved for public release, the tool will need to be a securely managed generative AI tool.
  + If the business case proposes to only use publicly available (widely published) information, the tool could be a publicly available or securely managed tool.
  + The business case may put forward more than one suggested tool, with an analysis of the similarities and differences between them, and the team’s preferred option.
* An analysis of the proposed benefits of using the tool against the costs and risks of using the tool. This involves a risk analysis and consideration of alternatives to the proposal. Explain how the outputs of the generative AI tool will be checked by the user, including the costs of quality assurance for the use case/s. Include information on licensing costs (if any) and anticipated savings (with evidence to support savings estimates).

### Expected knowledge

Before using a generative AI tool, or preparing a business case to use a generative AI tool for work purposes, OVIC expects you to have read and understood:

* this document
* Guidance for OVIC employees on the use of generative artificial intelligence
* the resource [GenAI Concepts](https://www.admscentre.org.au/genai-concepts/), which explains fundamental concepts and terms relating to generative AI. This resource was developed in collaboration between OVIC and the ARC Centre of Excellence for Automated Decision-Making and Society ([ADM+S](https://www.admscentre.org.au/)).
* [OVIC’s guidance on the use of publicly available Generative AI tools in the Victorian public sector](https://ovic.vic.gov.au/privacy/resources-for-organisations/use-of-personal-information-with-publicly-available-generative-ai-tools-in-the-victorian-public-sector/). This guidance will help you to understand the privacy and information security risks of using publicly available generative AI tools.
* [OVIC’s guidance on the use of enterprise Generative AI tools in the Victorian public sector](https://ovic.vic.gov.au/privacy/resources-for-organisations/use-of-enterprise-generative-ai-tools-in-the-victorian-public-sector/). This guidance will help you to understand the privacy and information security risks of securely managed generative AI tools.
* [OVIC’s guidance on Artificial Intelligence, understanding privacy obligations](https://ovic.vic.gov.au/privacy/resources-for-organisations/artificial-intelligence-understanding-privacy-obligations/). This guidance will help you to understand how to comply with the Information Privacy Principles (**IPPs**) when using AI. It is currently being updated to incorporate additional guidance specific to generative AI.
* [OVIC’s investigation report into the use of ChatGPT by a child protection worker](https://ovic.vic.gov.au/regulatory-action/investigation-into-the-use-of-chatgpt-by-a-child-protection-worker/). This investigation contains learnings about specific privacy risks associated with generative AI tools and the controls needed to address those risks.
* [OVIC’s published position on the use of generative AI in meetings](https://ovic.vic.gov.au/newsitem/ovics-position-on-the-use-of-generative-ai-in-meetings-with-ovic/).

If you are unsure about any content in the above resources, please reach out to the Policy team for assistance at policyteam@ovic.gov.au.

## Using OVIC-approved generative AI tools

This section explains what you should and should not do when using generative AI tools in your work. More information is provided in OVIC’s guidance on the use of generative AI.

If you are not sure if your use of a generative AI tool complies with this document, stop using the tool and speak to your manager.

|  |
| --- |
| Checkmark with solid fill Do… |
| Only use OVIC-approved generative AI tools. |
| Only enter or upload publicly available information into an OVIC-approved publicly available generative AI tool. |
| Always review the outputs of an OVIC-approved generative AI tool before using the outputs in your work. The purpose of the review is to ensure the content and tone is accurate, context-appropriate, fair, unbiased, and compliant with privacy and information security obligations and intellectual property rights. |
| Be transparent about your use of an OVIC-approved generative AI tool, when communicating with colleagues and stakeholders. This includes explaining how the generative AI tool was used as part of the work produced. |
| Capture, manage and maintain a record in Content Manager of the information entered into and outputs of the OVIC-approved generative AI tool you are using. |
| Critically consider whether the benefits of using the generative AI tool outweigh the time and effort involved in verifying the accuracy of its output. If they do not, do not use the tool. |
| Use an OVIC-approved generative AI tool as an aid to your work, not a replacement of your own research, analysis and content development. |
| Make sure you have read this policy and the expected knowledge, before using an OVIC-approved generative AI tool. |
| Make sure you know and follow the OVIC-approved uses of the OVIC-approved generative AI tool, including all privacy and information security mitigations and controls, before and during use of an OVIC-approved generative AI tool. |
| Make sure you know who to talk to, and to seek advice if you are unsure, make a mistake or things go wrong. |
| Be aware of and continue to meet your existing obligations as a VPS employee or statutory office holder, including the VPS Code of Conduct for Special Bodies, Victorian Charter of Human Rights and Responsibilities, anti-discrimination, record-keeping and other laws. See ‘Related documents’ for more information. |
| Consider whether the benefits of using a generative AI tool outweigh the environmental costs. |

|  |
| --- |
| Badge Cross with solid fill Don’t… |
| Don’t use a generative AI tool that is not OVIC-approved. |
| Don’t enter, upload or share any public sector information, personal, sensitive or health information of other individuals or de-identified information that is not publicly known or approved for public release, to an OVIC-approved publicly available generative AI tool. |
| Don’t use a generative AI tool to create content that you cannot validate yourself. |
| Don’t use a generative AI tool to create content that forms part of, or will inform decision making that affects individuals, groups or organisations. |
| Don’t copy and paste sections of generative AI content into your work without checking its accuracy. Generative AI tools are an aid, not a replacement of your own research, analysis and content development. |
| Don’t rely solely on a generative AI tool to summarise complex writing such as reports, submissions, policies, and government, academic or technical papers. |
| Don’t use a generative AI tool for a non-approved use. This includes using the generative AI tool for non-approved purposes or with non-approved information. |
| Don’t attempt to de-identify personal information for use in a generative AI tool. |
| Don’t use generative AI outputs without checking to make sure that the content and tone is accurate, context-appropriate, fair, unbiased, and compliant with privacy and information security obligations and intellectual property rights. |
| Don’t forget you are responsible and accountable for content you create, share or use in an OVIC-approved generative AI tool. |
| Don’t enter any information that may breach intellectual property rights, contractual obligations or legal professional privilege. |
| Don’t use a generative AI tool to create content that requires critical thinking or the forming of a position or belief, such as policy, analysis or recommendations. |

## Stakeholders using generative AI tools in work meetings

You may find yourself in a situation where an external stakeholder (for example a government organisation, interstate colleague, or member of the public) asks to use a generative AI tool during a meeting (for example, the stakeholder asks to use Microsoft 365 Copilot during a Microsoft Teams meeting). The stakeholder may ask to use the generative AI tool to record, provide insights or take minutes of the meeting.

For meetings involving **OFFICIAL information with a BIL 1 rating**, you may choose whether to consent to the use of the generative AI tool.

For meetings involving information marked **Official: sensitive or higher**, with a **BIL 2 rating or higher** you should:

* not consent to the use of the generative AI tool, and
* explain that OVIC prefers that generative AI tools are not used in sensitive stakeholder meetings.

You can provide the stakeholder with a link to OVIC’s published statement if they ask for more information.

If the stakeholder does not ask for your consent or is not able to turn off the generative AI tool (for example, due to their own organisation’s technical controls or policies), you may continue to participate in the meeting. You may explain that OVIC’s contributions during the meeting may be kept at a high level and where relevant, any questions for OVIC will be answered separate to the meeting.

If a generative AI tool is used without your consent or you discover after attending a sensitive stakeholder meeting, that the stakeholder used a generative AI tool during the meeting:

* report the incident to the Information Security Unit via security@ovic.vic.gov.au; and
* ask to review a copy of the meeting minutes, if the stakeholder used a generative AI tool to prepare them.

# Compliance

You must comply with this document.

The Information Commissioner, or delegate, must approve any exceptions to this document.

Where there is a breach of this document, the Information Commissioner may investigate and take disciplinary action proportionate to the seriousness of the breach.

Depending on the circumstances, non-compliance with this document may constitute a breach of employment or contractual obligations, misconduct, or some other contravention of OVIC policies.

Failure to meet the requirements of this document may also result in a breach of:

* the [*Code of Conduct for VPS employees of special bodies*](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies/)
* the [*Public Administration Act 2004*](https://vpsc.vic.gov.au/about-vpsc/legislative-framework-the-public-administration-act-2004/),
* the [*Privacy Data and Protection Act 2014*](https://ovic.vic.gov.au/privacy/resources-for-organisations/information-privacy-principles-full-text/)
* the [*Health Records Act 2001*](https://www.health.vic.gov.au/legislation/health-records-act)*,*
* the[*Public Records Act 1973*](https://www.legislation.vic.gov.au/in-force/acts/public-records-act-1973/041),and
* the [*Victorian Charter of Human Rights and Responsibilities Act 2006*.](https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/the-charter/)

# Document retention

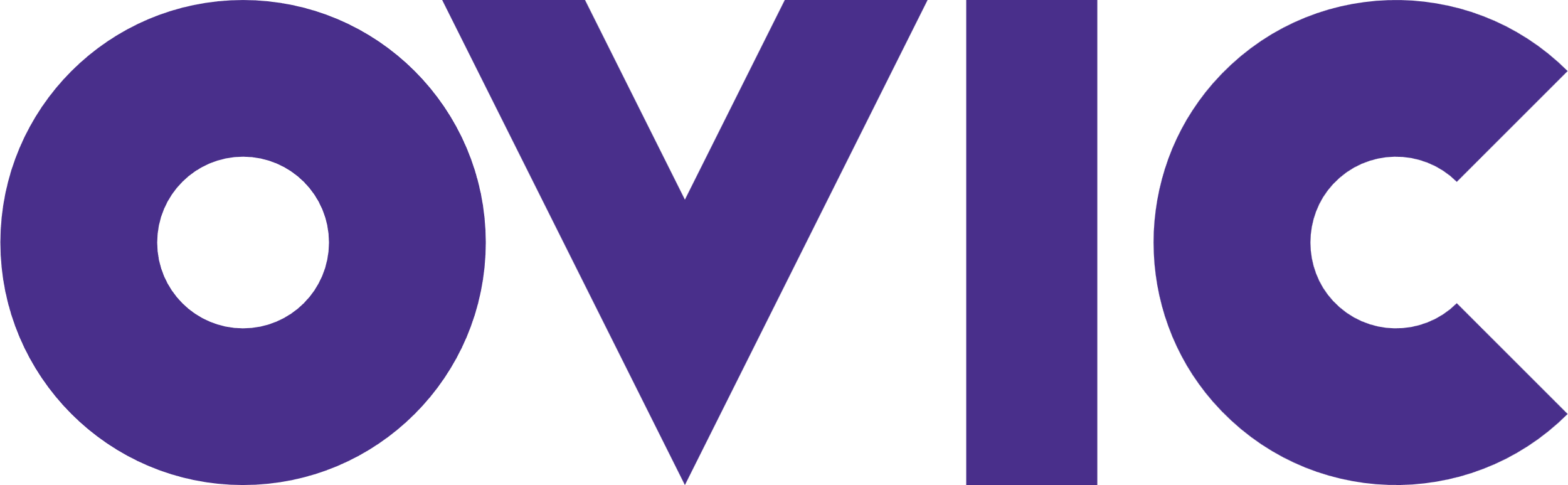
OVIC maintains all documents relating to generative AI in accordance with the *Public Records Act 1973,* PROV’s Recordkeeping Policies; Artificial Intelligence Technologies, and Approval Processes,and the OVIC Records Management Policy and procedures.

Disposal of public records, including those generated by or through the use of AI technologies are undertaken in line with the relevant retention and disposal authority.

# Appendix A

## Register of OVIC-approved generative AI tools and use cases

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Tool | Approval date | Overall risk rating | Approved user | Approved use case/s | Approved information types | Review date |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |



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1. OECD, [*Recommendation of the Council on Artificial Intelligence*](https://www.oecd.org/en/publications/explanatory-memorandum-on-the-updated-oecd-definition-of-an-ai-system_623da898-en.html)(Report No OECD/LEGAL/0449, 2024) 7. [↑](#footnote-ref-1)