

May/June 2026

Commissioners message

It is with sadness that I announce the departure of Rachel Dixon from her role as Deputy Commissioner, Privacy and Data Protection.

Rachel was first appointed as OVIC's Privacy and Data Protection Commissioner in November 2017 and reappointed in 2022.

Rachel was involved in many groundbreaking projects during her time at OVIC. Her expertise was integral to ensuring that OVIC was at the forefront of exploring and understanding both the privacy and security risks and the regulatory and societal impacts of new and emerging technologies.

Rachel also advocated for OVIC's ongoing collaboration with academia, understanding the benefits to both government and the Victorian community from these relationships. Most recently, this includes OVIC's partnership with the Australian Research Council's Centre of Excellence for Automated Decision-making and Society.

Rachel is well regarded by OVIC staff and our stakeholders and I would like to thank her for her impactful work in the privacy and data protection space.

Anthony Corso continues to act in this role.

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Privacy

Privacy Awareness Week wrap up

Thanks to everyone who participated in OVIC's Privacy Awareness Week (PAW) celebrations for 2026!

If you missed our events and resources, it's not too late to catch up. Visit our PAW webpage to view and download our privacy tips, posters, animation and links to the event recordings

[Catch up on our PAW celebrations](#)

Victorian Privacy Network meeting - registrations now open

OVIC invites you to attend the second Victorian Privacy Network (VPN) meeting for 2026 on Thursday 23 July.

We're currently finalising our agenda and will have a list of speakers and topics available soon.

In the meantime you can register your attendance below.

[Register to attend](#)

2026 Secondary School Convention

On 20 May 2026, OVIC's Acting Assistant Commissioner for Policy, Emma Stephens, gave a keynote address to students participating in the 2026 Secondary School Convention at the Parliament of Victoria.

The Convention is part of the Victorian Students Parliamentary Program delivered by National Curriculum Services in partnership with the Department of Education.

Across the day, the students debated the topic "Should governments regulate the use of facial recognition technology?"

Emma's speech explored the importance of privacy and human rights laws in regulating the use of facial recognition technology (**FRT**) within liberal democratic societies. Emma challenged the students to consider democratic values such as equality before the law, personal freedom and autonomy, accountability and the rule of law, and the various ways that these values are challenged and eroded when FRT is implemented in ways that don't respect and follow privacy frameworks.

In the final vote, the students voted 67 Yes and 1 No in favour of regulating FRT.

Upcoming annual FOI survey

Each year, OVIC conducts an online survey to collect information and data from each Victorian agency and Minister on the administration and operation of the *Freedom of Information Act 1982 (Vic)* (**FOI Act**).

The survey is undertaken to help fulfill the Information Commissioner's annual reporting requirements as set out in section 64 of the FOI Act. Collated information from survey responses is then reported to Parliament via OVIC's annual report.

Under section 64B of the FOI Act, agencies and Ministers must provide information to OVIC to assist with this annual reporting.

The 2025-26 survey will be sent to agencies and Ministers on 1 July 2026 with responses due by 5:00pm on **17 July 2026**.

Also see OVIC's [Collection Notice](#) about information collected as part of the survey

Got questions about the Annual Report survey? Attend one of our upcoming webinars!

OVIC is hosting two Information Access Series webinar sessions on **24 June 2025** and **8 July 2025**.

These sessions will cover how to complete the online survey, what information is required and advice and guidance to agency staff. There will also be an opportunity to ask questions.

Both sessions will cover the same content. Registrations are now available via the OVIC website.

[Register to attend](#)

Association of Information Access Commissioners meeting

The Association of Information Access Commissioners (AIAC), comprising Information Commissioners and Ombudsmen from Australia and New Zealand, held their bi-annual meeting in Sydney from 29–30 April 2026.

Responsive to the operation of differing laws enshrining the right to access information, the meetings provide the opportunity to facilitate and encourage cooperation between officers in Australia and New Zealand who perform similar functions under access to information legislation in each jurisdiction.

The AIAC communique is available to read and download via the OVIC website.

[Read the AIAC Communique here](#)



OVIC
Office of the Victorian
Information Commissioner

Information
Security

Publication of a new Part 4 of the PDP Act applicability assessment tool

The Information Security Unit have published a guide with an applicability

assessment tool to assist agencies and bodies understand if they are subject to Part 4 of the *Privacy and Data Protection Act 2014* (Vic) (**PDP Act**).

If you are uncertain if Part 4 of the PDP Act applies to your agency/body, you can read the latest guidance below.

This guide and assessment tool does not constitute legal advice.

[Read the guidance here](#)

2026 Protective Data Security Plan submissions due 31 August

In 2026 agencies and bodies subject to Part 4 of the PDP Act are required to submit a current copy of their Protective Data Security Plan (**PDSP**) to OVIC, which includes an Attestation signed by the public sector body Head, between 1 July and 31 August 2026.

This PDSP documents the development of an information security program that addresses the protection of public sector information.

VPS agencies or bodies

To access a copy of the *VPS single organisation 2026 PDSP template*, please click [here](#).

OVIC encourages organisations that have questions about this reporting cycle to review the [VPS How-to Guide: Completing the 2026 PDSP](#) or [watch](#) a video recording of the Victorian Information Security Network event held in February 2026.

Class B cemetery trusts & Committees of management

To access a copy of the:

- *Class B cemetery trust 2026 PDSP template* and How-to guide, please click [here](#)

- *Committee of management 2026 PDSP template* and How-to guide, please click [here](#)

In February 2026, the Information Security Unit held an information session for Class B cemetery trusts and Committees of management. You can watch this video recording [here](#).

Information security incidents or privacy data breaches can occur long after the contract ends.

A reminder to all VPS organisations that when a third-party arrangement ends, security obligations remain with the VPS organisation to ensure all public sector data managed on its behalf is securely returned or disposed.

It is important that VPS organisations understand the backup regime of the third party, including how long public sector data will remain with them (retention timeframes) and how the third party will securely return or dispose of this material.

VPS organisations must manage interim risks prior to receiving confirmation that these conditions have been met, and to an appropriate standard.

VPS organisations are also encouraged to keep a record of any actions taken to confirm this, as part of their third-party assurance program



Events

OVIC is hosting two Information Access Series webinars covering the annual agency Freedom of Information (**FOI**) survey.

This session will cover:

- how to complete the survey
- what information is required
- hints and tips for completing your survey
- a Q&A session to ask questions of OVIC staff regarding the survey.

Please note these sessions are for agency staff completing the 2025-2026 agency FOI survey.

Key details - June session

When: Wednesday 24 June 2026

Time: 12:00pm – 12:45pm AEST

Where: Online - Microsoft Teams

[Register to attend here](#)

Key details - July session

When: Wednesday 8 July 2026

Time: 12:00pm – 12:45pm AEST

Where: Online - Microsoft Teams

[Register to attend here](#)

Upcoming FOI and Privacy training

We offer free monthly training webinars for Victorian public sector staff on freedom of information and privacy in Victoria.

See below for the next available sessions.

Please note this training is for Victorian Public Sector (VPS) and organisations with obligations under the *PDP Act and the FOI Act*. You may be contacted to confirm your agency prior to this training.

Introduction to Information Privacy and the Privacy and Data Protection Act 2014 (PDP Act) - August

Introduction to Information Privacy and the Privacy and Data Protection Act 2014 (PDP Act) looks at interpreting information privacy and the Act, whilst also providing public sector employees with a detailed understanding of each stage of the information lifecycle.

Key details

When: Wednesday 26 August, 2026 (Module 1-3)

Time: 10:00am - 3:30pm AEST

Where: Online

Audience: Victorian public sector (**VPS**) staff only

[Click here to register your attendance.](#)

Administering the Freedom of Information Act 1982 (Vic) (FOI Act) – September

The Administering of the Freedom of Information Act 1982 (Vic) (FOI Act) webinar has been developed to provide VPS employees with a general understanding of the FOI Act and guide them through how to process a request. These sessions include live chats, polls and surveys to enhance the interactivity and ensure positive learning outcomes.

Key details

When: Module 1 & 2: Tuesday 8 September | Module 3 & 4: Thursday 10 September 2026

Time: 10:00am - 1:30pm AEST

Where: Online

Audience: Victorian public sector (**VPS**) staff only

[Click here to register your attendance.](#)

Latest OVIC FOI review decisions

OVIC publishes de-identified decisions made by the Information Commissioner and Public Access Deputy Commissioner under the FOI Act on our website and via Australasian Legal Information Institute (**AustLII**). We currently have over [830 decisions published on our website.](#)

'G11' and Department of Justice and Community Safety (Freedom of Information) [2026] VICmr 16 (6 March 2026)

Headnote: FREEDOM OF INFORMATION – intervention report – Forensic Intervention Services – report by a Forensic Clinician (Psychologist) – management of prisoners – [Forensic Intervention Services Program]

Sections in the FOI Act: 30

Decision type: Same as Agency

[Click here to read the full decision.](#)

Latest VCAT review decisions

Asif v Department of Transport (VicRoads) [2026] VCAT 248

The Applicant sought access to CCTV footage of a VicRoads customer service centre because he considered his renewed driver's licence had an altered signature.

The Agency refused access under section 25A(1) for unreasonable diversion but also section 33. The Applicant sought review at OVIC where the 25A(1) decision was affirmed. The Applicant sought review at VCAT.

Between the application for review the Agency decided to grant access to the footage with the persons other than the applicant blurred. The Applicant wanted access for the unedited footage. The issue before VCAT was whether the footage was exempt under section 33.

Member Cohen found that the CCTV footage showing staff members that allows them to be identified is personal affairs information. Just because the staff members were at work did not mean that the information was not personal affairs information.

Member Cohen then considered the following:

- The CCTV footage captures the staff members at work, it was not of substantial sensitivity
- Providing the unedited footage would not further assist the Applicant with his enquiries about his signature
- The footage was collected for the purposes of building security, it was held securely and released to persons in furtherance of that purpose, for example to law enforcement
- The majority of staff did not want their personal information released

Member Cohen found the balance lay in favour of the privacy of staff members.

It was unnecessary to consider section 25 as the footage was already edited.

There were other matters raised by the Applicant which Member Cohen dealt

with.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Shannon Draper v Victoria Police [2026] VCAT 275

The Applicant sought information about the Victoria Police personnel (sworn and VPS) that accessed his LEAP profile between January 2020 and the date of decision. The Applicant had made at least four applications to Victoria Police, including this application, for access to information of this nature. At least two of these applications are before the tribunal, one of which involved a review by OVIC.

Victoria Police refused to process the request under section 25A(1). It was Victoria Police's view that the request would unreasonably divert the resources of Victoria Police from other operations.

At VCAT, Victoria Police submitted that the request would significantly and unreasonably divert resources within the FOI unit and across Victoria Police. Victoria Police explained the information the applicant requested, required contacting sworn officers and VPS administrative staff to enquire as to their reasons for accessing the LEAP information. This was a necessary part of determining if the information was exempt from release as disclosure might compromise ongoing investigations.

Victoria Police advised it would take an FOI assessor at least four weeks to process the request.

VCAT's view was the request was not an unreasonable diversion of resources and made orders requiring Victoria Police to process the request.

In making the decision, Vice President Daly accepted that the request would amount to "substantial diversion of the resources of the FOI Unit, but not a substantial diversion of the resources from the law enforcement operations of Victoria Police." Vice President Daly noted that the work was "laborious and time-consuming" but it was "not overly complex, nor would it require

unduly detailed analysis” and that only two exemptions needed to be considered when processing the applications (ss31 and 33).

Vice President Daly also used the metrics provided by Victoria Police to calculate that the work would “consume approximately three percent of the assessors’ resources of the FOI Unit.” Vice President Daly noted that common sense indicated that for a diversion to be unreasonable it would “need to be in excess of three percent.”

Vice President Daly disagreed with Victoria Police’s view that processing the request would unreasonably divert the resources of sworn officers or VPS staff. Vice President Daly noted that the “distraction” caused to other Victoria Police personnel in the processing of this request could be assumed to be “only one distraction among many in a typical day.”

Vice President Daly was critical of Victoria Police’s approach to calculating the unreasonable diversion of its resources to complete this request. Vice President Daly noted the applicant could have made several FOI applications each for a few months over the same time period and by Victoria Police’s own metrics those applications would not mount to an unreasonable diversion.

Vice President Daly noted that this decision should not be taken as “establishing a benchmark” as to how to calculate when resources are being unreasonably diverted and stated that this must be considered on a case-by-case basis.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Dunlop v Department of Treasury and Finance [2026] VCAT 295

The Applicant requested a document providing:

- The total figure, for each of the past ten financial years, paid in pensions to eligible judicial officers;
- The total amount, for each of the past ten financial years, paid in pensions to eligible spouses or children of the above;

- For each of the past ten financial years, the total amount paid to pension recipients outside of their pensions where those recipients have been in any way paid by the Victorian Government
- Any policy governing the manner in which the pension recipient receives other payments.

The request was transferred around various departments until it wound up back at the Agency. The Applicant applied to VCAT on DTF's deemed refusal. After the application, the Agency produced a document in consultation with ESSSuper the entity responsible for managing pensions for eligible judicial officers.

The Agency made a summary dismissal application under section 75 on the basis that, a document having been provided, the proceedings are misconceived or lacking in substance.

The Agency submitted that because a decision had been made to grant access to a document without deferment, section 53(5) did not apply to extend the deemed refusal to the actual decision.

The Applicant submitted that the Agency did not respond to items (3) and (4) in his request and so 53(5A) did not apply to the Agency's incomplete response to the FOI request.

In reply, the Agency submitted that there was no refusal, more that there was no existing discrete document responding to points (3) and (4) of the request, and so the decision was in fact a 'no documents' decision, that can only be dealt with by complaint to the Information Commissioner, as confirmed in *Myers v VCAT*.

DP Proctor refused the section 75 application. He distinguished the matter from the *Myers* decision instead comparing it with *Davis v Department of Health*. In that case, *Davis* had applied to VCAT on the Agency's deemed refusal and VCAT found that it retains jurisdiction to consider whether or not there are documents responsible to a FOI request, and to order further searches, where its jurisdiction has been properly engaged under section 50(1)(ea).

Because this matter was being decided on the papers, the Agency was

allowed further submissions. They submitted that the Davis decision should be distinguished because, in that case, there was evidence that responsive documents did exist. DP Proctor did not accept that in the Davis decision VCAT found that it had jurisdiction on the basis there was evidence that further documents existed, the jurisdiction issue must be decided first.

DP Proctor noted that if the Applicant is to succeed in having VCAT make orders that the Agency conduct further searches and/or create another document, he will have to provide persuasive evidence that such orders are justified. A directions hearing was scheduled for 1 June 2026.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Monash University v EBT [2026] VCAT 338

This considered whether the FOI Act does not apply due to section 78 of the Public Interest Disclosures Act 2012.

As background, the Applicant was seeking information relating to the circumstances in which their employment at the Agency – largely information from and identifying a person referred to as the ‘Informer’ who had provided information to the Agency that resulted in the termination.

During the course of the matter, the Agency was required to notify third parties under section 53A FOI Act, including the Informer. In the Informer’s response they advised VCAT that the documents were the subject of a current PID Act investigation and so they were excluded from the FOI Act by section 78 PID Act and therefore VCAT did not have jurisdiction to hear the matter.

VCAT found that there was no basis upon which to conclude that it did not have jurisdiction. IBAC had been consulted during the hearing and had not raised section 78 as an issue (it had also advised it did not consider section 194 IBAC Act nor 31A FOI Act applied).

Given that there was no evidence that VCAT lacked jurisdiction, there was no

basis to conclude that it had no jurisdiction.

[Read the full VCAT decision on the AustLII website \[external link\].](#)