

Privacy Commissioner's submission on the Local Electoral Matters Bill to the Justice Committee 50-1

Introduction

1. One of my functions under the Privacy Act 1993 is to examine legislation before Parliament and to consider any matters affecting individuals' privacy. The Privacy Act is New Zealand's main privacy law. It governs the collection, use, storage and disclosure of personal information and provides a mandate for my Office to consider wider developments or actions that affect personal privacy.
2. The Local Electoral Matters Bill (the Bill) amends the Local Electoral Act 2001 and the Electoral Act 1993 to provide flexibility for future changes to local electoral arrangements. My comments on the Bill relate to clauses 7 to 12, which allow for date of birth information to be provided to local authorities for use in their elections.
3. I do not support the provision of date of birth information from the Electoral Commission to local authorities as a part of identity authentication in future voting methods. Date of birth is not a secure piece of information and so it will provide little additional assurance of identity. I do not consider that there is sufficient justification for local authorities to collect date of birth information from the Electoral Commission.

Background

4. An elector's date of birth is recorded on the electoral roll maintained by the Electoral Commission, but it is not on the publically available electoral roll. The Electoral Act and Local Electoral Act do not currently allow for date of birth to be provided for local authority elections.
5. I support the Government's intention to modernise the voter system. I appreciate that promoting public participation in elections involves potentially competing objectives. Voting needs to be reasonably accessible, while maintaining public confidence in the system's integrity and security.
6. Clauses 7 to 12 of the Bill allow date of birth information to be provided to local authorities for use in their elections. These clauses will allow date of birth to be used as part of authentication when conducting any election, by-election, or poll. I understand the intention is to trial such voting methods and that such a trial would be authorised by regulations made following the passage of this Bill.

Date of birth information should not be used to authenticate voting eligibility

7. New voting systems need to be secure in order to maintain the confidence of voters who are exercising their democratic rights. Insufficiently secure voting systems risk undermining the confidence of voters and the uptake of the new voting system.
8. I am concerned that an elector's date of birth is insufficiently secure for use in authenticating an elector's identity. Many people provide their date of birth widely and it is often known to a person's friends and family. Social media sites such as Facebook encourage users to make their date of birth publicly available online. Date of birth is also a poor choice for authentication because if compromised, a person cannot alter it.
9. As date of birth will provide little additional assurance of identity, I do not consider that there is sufficient justification for local authorities to collect it from the Electoral Commission. Further, given its inherent security issues I do not think it is appropriate for use in something as important as an election. I understand that internationally online voting models generally require a higher standard of identity verification than date of birth.
10. A higher standard of authentication should be considered for new voting systems. Such a standard will ensure that voter confidence is maintained; although there is a risk that it may deter voters from participating. Government supported standards of authentication already exist, such as the RealMe system maintained by the Department of Internal Affairs.

Conclusion

11. I do not consider that there is a justified case for the Electoral Commission to provide electors' birth information to local authorities for use in elections. Using date of birth as part of authentication would provide little additional assurance of identity.
12. I **recommend** that the Committee:
 - amends clause 12 to remove the reference to the Electoral Commission supplying an elector's date of birth, and
 - consequently amends clauses 7, 8, and 9 to remove further references to date of birth or birth information.



John Edwards
Privacy Commissioner