



STATEMENT ON ENQUIRIES

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Own initiative enquiries concerning alleged data harvesting via hyperlinks contained in government resources under the former government

On 29 March 2021, the ABC published an article titled *South Australian Government Admits Redirecting Web Users through Liberal Party Domain*. The article disclosed that particular hyperlinks included on government agency websites and media releases had redirected web users through `stateliberalleader.nationbuilder.com`. That domain was alleged to have been operated by the state Liberal Party. NationBuilder is known to be a data-harvesting platform used by political parties around the world to collect data for campaign purposes.

The Privacy Committee of South Australia (**the Privacy Committee**) commenced an inquiry to assess the allegations in the context of compliance with the Information Privacy Principles (IPPS). I stated publicly that I would wait for the outcome of that inquiry before determining whether I would commence an investigation.

The Privacy Committee concluded that there was no apparent breach of the IPPS. Shortly after, the Independent Commissioner Against Corruption referred the matter to me as raising potential issues of misconduct and maladministration in public administration. I determined that the Office of the Premier was the relevant public authority for the purposes of the referral.

Due to amendments to the *Ombudsman Act 1972* in October 2021, I assessed the matter and made enquiries using my own initiative powers, to determine whether there was sufficient evidence of misconduct or maladministration to warrant investigation by me.

Outcome

I obtained information from several sources. The information indicated that Ministerial media releases had been distributed by the former Office of the Premier to agencies via a distribution list managed through `stateliberalleader.nationbuilder.com`. It appeared that the practice had been inadvertently carried over when the former government was elected and the practice ceased in March 2021.

It appeared possible that employees of a range of agencies had cut hyperlinks from the media releases and pasted them on to agency resources without understanding the potential implications.

I engaged an expert in cyber security, privacy and the protection of government data to provide expert advice after studying the functions of several of the hyperlinks in question.

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Dr Vanessa Teague, Director of Thinking Cyber Security and Adjunct Associate Professor at the Australian National University College of Engineering and Computer Science provided advice that, although it appears that clicking on the relevant hyperlinks produced some form of data which was then sent to the NationBuilder platform, the data itself was a mixture of data from separate users. The data was effectively 'muddled' and most likely could not be used in any meaningful way. Given this, Dr Teague advised that it was highly plausible that those hyperlinks were copied and pasted by public officers who had no knowledge or understanding of the data implications. It would be very difficult to assess whether the data had been used.

In all of the circumstances, particularly noting the expert advice that it does not appear data was produced in any meaningful form, I determined, in my discretion, that it is not in the public interest to take further action in relation to the matter.

Even so, the use of `stateliberalleader.nationbuilder.com` for the management of media distribution lists by the former government as a carryover from being in opposition is regrettable and created the perception of public information being used for party-political purposes.

The Code of Ethics for the South Australian Public Sector recognises that one of the four foundations of public service is impartiality from political influence. The Ministerial Code of Conduct also requires Ministers to uphold the conventions of Public Service neutrality, respect that the Public Service is a public resource and refrain from asking public servants to work on party political matters. I have released this statement to raise awareness and as a necessary reminder to all political parties of the importance of government resources not being used, or having the appearance of being used, for party-political purposes.