

## Service Victoria Act 2018

# Identity Verification Standards 2018

The Special Minister of State makes these *Identity Verification Standards 2018*.

In accordance with section 41(3) of the *Service Victoria Act 2018*, in making these Standards I have had regard to the guiding principles set out in section 42 of the Act.

Dated:

GAVIN JENNINGS MLC  
Special Minister of State

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## 1. Commencement

- 1.1 This instrument commences on 30 September 2018.

## 2. Authority

- 2.1 The Identity Verification Standards (the Standards) are a legislative instrument made by the Special Minister of State (the Minister) under section 41 of the *Service Victoria Act 2018* (the Act).
- 2.2 These Standards should be read together with the Act and any other regulations or standards made under the Act.
- 2.3 Section 57 of the Act provides for independent review of the operation of the Act after three years.
- 2.4 The Minister has the discretion to review and update these Standards at any time.
- 2.5 Section 56 of the Act provides that the Minister may require an audit of compliance with the Act, which would include these Standards, be undertaken by an independent auditor.

## 3. Overview

- 3.1 The Standards establish a consistent and secure identity verification framework for individuals transacting with the Victorian government on the Service Victoria digital platform.
- 3.2 The Standards determine:
  - a) digital and non-digital processes
  - b) the level of assurance (LOA) required for transactions
  - c) identity information required for each LOA
  - d) the process for applying any exceptions if an individual's identity cannot be readily identified, and
  - e) terms and conditions that apply to the issue and renewal of an electronic identity credential (EIC).
- 3.3 Except where otherwise specified, these Standards adopt the definitions of terms contained in section 3 of the Act.

## 4. Audience

- 4.1 These Standards use the following conventions:
  - a) **MUST** indicates something that is required in order to meet these Standards
  - b) **SHOULD** indicates something that is recommended but not required in order to meet these Standards (i.e. these recommendations should be implemented unless it is unreasonable to do so, or an alternative process which provides an equivalent LOA is used).
  - c) **MAY** indicates something that may be done or considered when under a service transition arrangement but is not required under these Standards.
  - d) **SHOULD NOT** indicates something that is not recommended under these Standards, unless circumstances make other approaches unfeasible.
- 4.2 The audience for these Standards is intended to include:
  - a) Service Victoria
  - b) the Victorian Civil and Administrative Tribunal.

## *Service Victoria*

- 4.3 The Act requires the Service Victoria Chief Executive Officer (Service Victoria CEO) to comply with these Standards when performing identity verification functions. The Service Victoria CEO must use the Standards when deciding whether to issue, refuse, renew, suspend or cancel an EIC, and to determine assurance levels for those credentials.
- 4.4 The Service Victoria CEO must adhere to the objectives and specific requirements outlined in sections 7 to 15 of these Standards.

## *The Victorian Civil and Administrative Tribunal*

- 4.5 The Victorian Civil and Administrative Tribunal (VCAT) should refer to these Standards when reviewing decisions made by the Service Victoria CEO.

## 5. Non-digital methods

- 5.1 Where considered reasonable and practicable in the circumstances, the CEO can use non-digital methods to verify an individual's identity. The non-digital methods employed must provide a reasonably equivalent degree of confidence at each level of assurance to the processes that are set out in sections 9 to 12 of these Standards.

## 6. Guiding principles

- 6.1 The guiding principles for making, using and applying these Standards are set out in section 42 of the Act as follows:
  - a) **User choice** – *individuals may choose whether to have a temporary electronic identity credential or an ongoing electronic identity credential*
  - b) **Minimal data is to be requested and stored** – *individuals must not be asked to provide more information than necessary in order for Service Victoria to verify the individual's identity and personal information can only be stored with the individual's consent, unless required by law*
  - c) **Risk-based approach to identity verification** – *consistent and evidence-based approach is to be employed to determine the level of assurance of identity required for transactions*
  - d) **Security, transparency and accountability** – *Service Victoria, and any external service providers engaged to provide identity verification services, are to be regularly audited by an independent entity to ensure compliance with privacy and data security requirements*
  - e) **Flexibility** – *the Standards must, to the extent practicable, be able to adapt to new technologies or methods of identity verification*
  - f) **National consistency** – *the Standards must, to the extent practicable, align to national requirements, as set out in any relevant national framework or guidelines as in force from time to time.*
- 6.2 These Standards apply to Service Victoria's digital service and digital support offering.

## 7. Service Victoria Levels of assurance

- 7.1 The **definition** of what an LOA is depends on its context—
  - a) in relation to an EIC, an LOA is the degree of confidence in an individual's identity that a credential is taken to provide
  - b) in relation to an identity verification function, the LOA is the degree of confidence that is required for the purposes of that function.

- 7.2 LOA is a way of describing the degree of confidence that has been achieved that an individual is who they say they are. The LOA that is required will depend on the particular transaction.
- 7.3 There are four LOAs—
  - a) Service Victoria LOA 1: requires basic level of assurance in the individual's identity
  - b) Service Victoria LOA 2: requires medium level of assurance in the individual's identity
  - c) Service Victoria LOA 3: requires high level of assurance in the individual's identity
  - d) Service Victoria LOA 4: requires very high level of assurance in the individual's identity.
- 7.4 The LOA of a transaction is determined through risk assessment.
- 7.5 Before a transaction is transferred to Service Victoria, an LOA assessment on that transaction must be undertaken and an LOA assigned to that transaction. This risk assessment must be jointly completed by the transferring agency and Service Victoria.
- 7.6 An EIC must include a record of the LOA that the individual's identity has been verified to.
- 7.7 The LOA of the EIC must be the same as, or higher, than the LOA required for the transaction. If the individual's EIC has a lower LOA than is needed for the transaction, the individual will need to apply to obtain an EIC at a higher level.

## 8. Identity documents

- 8.1 This section outlines the requirements for identity documents that will be used by the Service Victoria CEO to verify identity.
- 8.2 The documents required by the Service Victoria CEO should:
  - a) be obtained with the consent of the individual
  - b) be consistent with the LOA of the transaction
  - c) achieve identity verification objectives using the minimum information needed
  - d) be validated by a document verification service, at document source or through other service providers, to check that the information provided by the individual is legitimate.
- 8.3 There are three purposes of identity verification—
  - a) **Commencement of Identity**: to confirm the individual's identity has been legitimately created in Australia
  - b) **Use in the Community**: to confirm that an individual's identity has been active in the community over time, to safeguard against the creation of fictitious identities
  - c) **Photo bind**: to confirm that the person presenting the documents is the legitimate owner by checking that the photo on the identity document matches the individual's face.
- 8.4 The Service Victoria CEO may require a minimum number of identity documents, as well as specific types of documents in specific combinations, in order to fulfil one or more of these purposes.
- 8.5 An identity document may fulfil multiple purposes.
- 8.6 Documents should come from high-integrity and known sources, that have robust, risk assessed identity verification practices attached to the issuing of the document.

## 9. Identity verification for Service Victoria LOA 1

- 9.1 Service Victoria does not verify an identity for LOA 1 transactions, as this is defined as customer service information.

## 10. Identity verification for Service Victoria LOA 2

- 10.1 To verify an identity for LOA 2, an individual must provide two identity documents from the list set out at paragraphs 11.7 and 11.8, and (if applicable) a change of name document as set out in paragraph 11.9.
- 10.2 In addition to the requirements of paragraph 10.1, the Service Victoria CEO must require that each document be successfully verified through Document Verification Service.
- 10.3 Service Victoria does not currently verify an identity for LOA 2 as none of the transactions currently offered have been assessed as LOA 2 transactions.

## 11. Identity verification for Service Victoria LOA 3

- 11.1 The acceptable number and type of identity documents for LOA 3 is outlined in this section.
- 11.2 To be satisfied that an individual is who they say they are at LOA 3, the Service Victoria CEO must be satisfied that the claimed identity:
- is legitimate
  - has been active in the community over time, and
  - there is a link between the claimed identity and the individual claiming that identity.
- 11.3 To satisfy the Service Victoria CEO of the requirements of paragraph 11.2, the individual must provide the following two identity documents:
- A Commencement of Identity document listed in paragraph 11.7; and
  - A Use in the Community document listed in paragraph 11.8.
- 11.4 In addition to the requirements of paragraph 11.3, the Service Victoria CEO must require:
- one of these documents to include a photo that can be used to bind to the individual
  - each document be successfully verified through Document Verification Service, and
  - each document to be in the individual's current, full name.
- 11.5 If one of the documents is in the individual's former name, the individual must provide one difference of name document listed in paragraph 11.9, to demonstrate the link between their current and former name and the names shown on the Commencement of Identity document and Use in the Community Document. This difference of name document must successfully be verified through Document Verification Service.
- 11.6 Service Victoria must accept the identity documents listed below to verify an individual's identity to LOA 3, in accordance with the objectives set out above.
- 11.7 **Commencement of Identity documents:**
- a full Australian birth certificate in the individual's name or former name issued by a state or territory registry of Births, Deaths and Marriages (does not include photo). Birth extracts or birth cards cannot be accepted.
  - an Australian passport in the individual's name or former name which is current or has expired within the last three years (includes photo).
  - a foreign passport with a valid Australian Visa in the individual's name or former name (includes photo).

- d) an ImmiCard issued in the individual's name or former name by the Department of Home Affairs (includes photo).
- 11.8 **Use in the Community documents:**
  - a) an Australian driver's licence issued by the Victorian Roads Corporation established under the *Transport Integration Act 2010* or a comparable authority (includes photo).
  - b) a Medicare card issued by the Commonwealth Department of Human Services (does not include photo).
- 11.9 **Difference of name document (if required):**
  - a) a Change of Name Certificate issued by a state or territory registry of Births, Deaths and Marriages.
  - b) a Marriage Certificate issued by a state or territory registry of Births, Deaths and Marriages.
- 11.10 **Confirmation of photo bind**
  - a) photo bind between an individual and a photo document will be established through:
    - i. comparison of a photo on an identity document to the individual, and
    - ii. a liveness and likeness check to match a live video or image of the individual to a photo identity document.
- 11.11 **Additional checks:**
  - a) where identity is unable to be verified using the above documents and processes, the Service Victoria CEO may request further information or conduct additional checks to be satisfied to the required level of confidence that the individual is who they say they are, in accordance with the exceptions process set out at section 14 below.

## 12. Identity verification for Service Victoria LOA 4

- 12.1 To verify an identity for LOA 4, an individual must satisfy the requirements of LOA 3 that are set out in section 11 of these Standards and must also complete an in-person biometric check.
- 12.2 Service Victoria does not currently verify an identity for LOA 4 and does not offer these transactions.

## 13. Difference in name

- 13.1 An individual's true and correct name must be checked when verifying an individual's identity, to ensure that services are provided to the right person.
- 13.2 Individuals must provide evidence to support any name change. This includes providing evidence that an individual's documents have not been updated to reflect their new name. A difference in name occurs where an individual's first, middle and/or last names are not exactly the same on multiple documents.
- 13.3 Before issuing an individual an EIC, the Service Victoria CEO must be able to confidently establish a link between the name on the commencement document and the additional identity information provided to support the verification of an individual's identity.
- 13.4 The difference in name will fall into two categories:
  - a) A minor difference, and
  - b) A material difference.
- 13.5 A **minor difference** must be one of the following circumstances:

- i) Where the first and last names are an exact match, and the middle name (if available) is represented by an initial that is consistent with the correct full name.
  - ii) Where the first, (middle, if available) and last names feature inconsistently applied or missing punctuation that is minor (e.g. hyphens or apostrophes) and the names are otherwise an exact match.
- 13.6 A **material difference** occurs when the names on the provided documents are not an exact match and cannot be explained as a minor difference.
- 13.7 Where the Service Victoria CEO determines there is a material difference in name, the individual must provide an accepted linking document (as set out at paragraph 11.9) to explain the difference in name.

## 14. Exceptions

- 14.1 This section outlines the options available to individuals who cannot verify their identity in accordance with these Standards.
- 14.2 The Service Victoria CEO may use an exceptions process for dealing with individuals who have difficulty having their identity verified under these Standards.
- 14.3 The Service Victoria CEO must be satisfied that it is reasonable in the circumstances and does not substantially reduce the reliability of the identity verification process.
- 14.4 The exceptions process may involve the use of alternative methods to gather necessary information to verify an individual's identity, including—
- a) interviews, or
  - b) information provided by referees or other responsible persons, or
  - c) other information provided by the individual.
- 14.5 Where possible, information provided by individuals or referees should be checked with a records checking agency or other appropriate people or organisations.
- 14.6 An individual having trouble verifying their identity can access the Service Victoria digital support channel to help guide them through the process.
- 14.7 Where an individual cannot provide one of the documents required in paragraph(s) 11.6-11.11 above, they will be directed to the relevant issuing authority to obtain one.
- 14.8 Once the required document has been obtained from the issuing authority, the individual will be able to return to the identity verification process.
- 14.9 Individuals may also have the option to complete transactions through existing digital and/or non-digital service delivery channels with service agencies.

## 15. Reviewable decisions

- 15.1 These Standards are intended to be used by the Service Victoria CEO in making identity verification decisions under the Act. These Standards may also be used by VCAT when reviewing decisions made by the Service Victoria CEO under the Act.
- 15.2 Only the following decisions listed in section 40(1) of the Act are reviewable:
- a) to refuse to issue an EIC;
  - b) to cancel an EIC;
  - c) to refuse to renew an ongoing EIC; or
  - d) to refuse to increase the LOA of an ongoing EIC.

- 15.3 Not all outcomes on the Service Victoria platform are reviewable decisions. Where an individual drops out of the identity verification process due to technical reasons, that outcome is not a decision.
- 15.4 Where there is an identity verification decision, an individual must be provided with basic information, such as the time and reasons for the refusal, and information about the individual's rights for review.