



# AusCheck Privacy Notice – November 2016

This document explains:

- what personal information is collected about you when you apply for an Aviation Security Identification Card (ASIC) or a Maritime Security Identification Card (MSIC)
- how your personal information will be used, and
- where you can find out more information.

## Why is my personal information being collected?

ASICs and MSICs can only be issued after AusCheck has conducted a background check on you. Your issuing body will apply to AusCheck for a background check on your behalf. In accordance with the *AusCheck Act 2007*, by applying for an ASIC or MSIC and receiving this Privacy Notice, you are taken to have given consent to another person making an application to AusCheck for a background check. This consent applies to both the initial background check your issuing body is applying for and any further background checks that are required or permitted to be conducted as referred to in the AusCheck Act to determine your continuing eligibility to hold an ASIC or MSIC. Additional checks that could be conducted include the second check where you are applying for a four year MSIC or a check requested by the Secretary of the Department of Infrastructure and Regional Development. Your issuing body will collect the information that AusCheck needs to correctly identify you and conduct a background check in relation to you. You are able to update your details with AusCheck at any time by either contacting your issuing body or AusCheck.

## What personal information is being collected about me?

AusCheck will need your:

- **identity information:** your full name, date and place of birth, gender, any other names you have previously used, your contact details, your current residential address, and all other previous residential addresses for the past 10 years,
- photograph,
- **work and study information:** the name, business address and telephone number of your employer (if relevant) and/or a contact person at your place of employment or study, and issuing body details, and
- **other information:** AusCheck may also need additional information in order to confirm your identity, such as your fingerprints.

If an immigration check is requested by your issuing body, AusCheck will also need your:

- **immigration information:** your date of arrival in Australia, port of arrival, and other details that may be relevant, such as your travel document or visa number, flight number or name of vessel, and the full name of your parents if you entered Australia on your parents' passport.

AusCheck only uses your identity and immigration information for purposes permitted by law, including conducting a background check or background checks to determine or confirm your eligibility to hold an ASIC or MSIC. AusCheck only stores your work or study information and photograph in the AusCheck database for purposes explained later in this brochure.

**If your issuing body asks you for any other personal information, contact AusCheck or ask your issuing body to explain why the additional information about you is required.**

## How will my personal information be used?

### If you are over 18 years of age

If you are over 18 years of age, AusCheck will coordinate a background check by using the information you provide to your issuing body. AusCheck uses your personal information to conduct background checks to determine your eligibility to obtain and continue to hold an ASIC or MSIC. This includes background checks conducted at the request of the Secretary of the Department of Infrastructure and Regional Development in circumstances where there are reasonable grounds for suspecting you have been convicted of a relevant offence and/or you are a threat to transport security.

AusCheck will only provide your personal information for other purposes where specifically required or permitted by law such as verifying ASIC or MSIC details, responding to a national security incident, and for law enforcement or national security purposes. Your personal information will not ordinarily be disclosed overseas.

When conducting a background check, AusCheck will disclose your personal information to the following Government agencies:

- **The Australian Security Intelligence Agency (ASIO):** ASIO will check your name on a database of known persons involved with politically motivated violence. ASIO will also keep your information and use it as necessary for national security purposes.
- **Australian Criminal Intelligence Commission (ACIC):** ACIC will check your criminal history in the databases of all Australian legal jurisdictions and supply a copy of your criminal record to AusCheck. ACIC will not use your information for any other purpose.
- **The Department of Immigration and Border Protection (DIBP):** If requested by your issuing body, DIBP will check your citizenship status or your legal right to work in Australia. DIBP may also use your information for immigration compliance purposes.

### If you are under 18 years of age

If you are under 18 years of age, only the national security component of the background check will be undertaken. AusCheck will disclose your personal information to ASIO in conducting this check. ASIO will check your name on a database of known persons involved with politically motivated violence. ASIO will also keep your information and use it as necessary for national security purposes. AusCheck will only provide your personal information for other purposes where specifically required or permitted by law.

**Please note that if you are under 14 years of age**, your parent or legal guardian will be required to provide written consent to your Issuing Body for the background check to be undertaken.

## Spent convictions

Generally the aim of spent convictions schemes is to prevent discrimination against individuals on the basis of old and minor criminal convictions for people who have had a 'clean' record since that time. Generally a conviction for a criminal offence will be considered spent if all the following conditions are met:

- it is old – it is ten years since the date of the conviction (or five years if you were a child at the time of the conviction)
- it was minor – the sentence of imprisonment was less than 30 months (two and a half years) imprisonment (or the penalty did not include imprisonment at all)
- there have been no further convictions during the ten year waiting period (or five years if you were a child at the time of your conviction), and
- an 'exclusion' does not apply.

Spent convictions also include convictions that have been set aside or pardoned. However, some exclusions apply to persons applying for an ASIC or MSIC. This means that the details of some spent convictions for aviation and maritime security relevant offences will be given to AusCheck and used in its assessment of you. All other spent convictions are considered irrelevant to an application for an ASIC or MSIC, and will not be given to AusCheck. If you believe that the spent conviction rules have been breached or wrongly applied, you can write to AusCheck and ask for our assessment to be reviewed. If you are unhappy with the way that AusCheck has dealt with your request, you can apply to the Office of the Australian Information Commissioner for the matter to be investigated.

## What happens after my background is checked?

AusCheck will use the results of these checks to advise your issuing body whether you:

- have an adverse criminal record,
- have a qualified criminal record (ASIC only),
- have an adverse security assessment,
- have a qualified security assessment,
- have the right to work in Australia.

However, AusCheck will not provide your issuing body with your criminal history unless you have applied for an ASIC and you have a particular pattern of criminal convictions (a qualified criminal record).

While AusCheck is obliged to notify your issuing body and the Department of Infrastructure and Regional Development of an adverse or qualified security assessment outcome, under no circumstances will AusCheck release any additional information relating to this check.

AusCheck will also keep your personal information and photo on a database. Issuing bodies, certain industry participants, as well as Commonwealth, state and territory authorities seeking access for the purposes of performing functions relating to law enforcement or national security can access your personal information and photograph in certain circumstances.

## 4-year MSIC – 2 year check

If you apply for and are found eligible to be issued with a four year MSIC, AusCheck is required to undertake a second background check in relation to you at the two year anniversary of your initial background check. The fee paid for your four year MSIC includes the cost of this second background check. The second background check is similar in nature and process to your initial check. By applying for a four year MSIC you are taken to have consented to any background checks that are required or permitted to determine your continuing eligibility to hold a card, including the second background check of your criminal history, security assessment, and, where appropriate, your immigration status.

If you apply for and are found eligible to be issued with a four year MSIC, but you subsequently decide you do not want to have the second background check, you can withdraw your consent for that second check by contacting your MSIC issuing body before the second background check occurs. If you withdraw your consent for the second check:

- your MSIC must be immediately cancelled, and
- your issuing body will receive a credit for AusCheck's fees associated with the second check.

If you do not want to have a second background check, you have the option of applying for a two year MSIC.

## Where can I get more information?

The AusCheck Privacy Policy has more information about:

- aviation and maritime security relevant offences and spent convictions,
- how AusCheck and others may use your personal information,
- to whom your personal information may be disclosed,
- your rights to access and correct your personal information,
- your rights to complain about any suspected breach of your privacy, and
- how your personal information is secured by AusCheck.

You can see the AusCheck Privacy Policy at:

[www.ag.gov.au/AusCheck](http://www.ag.gov.au/AusCheck). You can contact an AusCheck staff member with any questions on (02) 6141 2000 or at [AusCheck@ag.gov.au](mailto:AusCheck@ag.gov.au).