



The *Privacy Act 1988* (Privacy Act) requires the Department of Immigration and Border Protection (the department) to notify an individual of certain matters when we collect personal information about them. This form is your notification of those matters.

What is personal information?

The Privacy Act provides that personal information is information or an opinion about an individual who is reasonably identifiable.

The main pieces of legislation administered by the department are the *Migration Act 1958* (the Migration Act) and the *Australian Citizenship Act 2007* (the Citizenship Act). These Acts include specific provisions about the collection, use, and disclosure of your information, including the type known as 'personal identifiers'.

The Acts define personal identifiers to include:

- fingerprints or handprints
- an image of the face and shoulders
- an audio or video recording (for the purposes of the Migration Act only and with some limited exceptions)
- a measurement of height and weight
- an iris scan
- a person's signature, or
- any other identifier prescribed in the regulations.

What the department does and our contact details

The department's key objectives are to:

- contribute to Australia's future through managed migration
- protect refugees and contribute to humanitarian policy internationally
- contribute to Australia's security through border management and traveller facilitation
- ensure compliance with Australia's immigration laws and integrity in decision-making
- administer Australian citizenship laws.

Full contact details can be found on the department's website www.immi.gov.au

If you believe we have wrongly collected or handled your information, you can:

- telephone the Global Feedback Unit on **13 31 77** during business hours
- complete a feedback form online at www.immi.gov.au
- write to:
The Manager
Global Feedback Unit
GPO Box 241
Melbourne VIC 3001
Australia
- contact us directly through any office of the department.

From whom the department will collect your personal information

Generally, the department (or its contracted service providers) collect your personal information directly from you. We may also collect your information from third parties. These include other Australian Government agencies, law enforcement agencies, foreign governments, sponsors, medical practitioners, organisations that you have nominated, education providers, employers and members of the public who contact the department with information (eg. 'dob-in calls').

Agencies or contractors performing immigration services

Some personal information is collected and used on our behalf by other government agencies authorised to carry out some of the department's functions.

Personal information is also collected and used on our behalf by contractors. Examples include advanced passenger processing by airlines, computer systems, research surveys/interviews, support services for immigration detainees and medical services. Contractors are required to comply with the Privacy Act.

Collection of your personal information that is required or authorised by law

The Migration Act, the Citizenship Act and the Privacy Act authorise, and in some instances require, the department to collect certain personal information to administer the Acts.

The Migration Act

In relation to visa applications, the department:

- is authorised to collect any information which is relevant to the application (see section 56 of the Migration Act), and
- may require you to provide a personal identifier (see sections 40 and 46 of the Migration Act).

Visa applicants, and some visa holders, must advise the department of a change in circumstances or incorrect information provided on an application form (sections 104 and 105 of the Migration Act).

When entering Australia, the department will require you to provide certain personal information (for example passport and evidence of a visa). If it is not provided, you will be refused entry to Australia (see sections 166 and 170 of the Migration Act).

When departing Australia, the department may require you to provide certain personal identifiers (see section 175 of the Migration Act).

To identify unlawful non-citizens, the department may require:

- evidence of identity and visa status, including a personal identifier (see sections 188 and 192A of the Migration Act)
- a person to give documents or information about the identity or whereabouts of a person suspected of being an unlawful non-citizen (see section 18 of the Migration Act).

The department may require persons in immigration detention to provide personal identifiers (see section 258 and Division 13AA of Part 2 of the Migration Act and regulation 3.30 of the Migration Regulations).

Special provisions for collecting personal identifiers from minors or incapable persons are in Division 13AB of Part 2 of the Migration Act. In the context of business sponsors, the department may collect personal information in accordance with the inspector powers at Subdivision F of Division 3A of Part 2 of the Migration Act.

The Citizenship Act

The department may collect a range of personal information to be satisfied that an individual meets citizenship requirements.

We are authorised to request personal identifiers in relation to citizenship applications, and an application cannot be approved if the decision maker is not satisfied of your identity (see Division 5 of Part 2 and sections 17(3), 19D(4), 24(3), and 30(3) of the Citizenship Act).

Privacy Act

The Privacy Act permits collection of:

- sensitive information where it is authorised under law, or for enforcement related functions, or with your consent
- other personal information where it is reasonably necessary for, or directly related to, one or more of the department's functions or activities.

The purpose for which we collect your personal information

Our primary purpose for collecting personal information is to carry out the department's functions or activities associated with your immigration and/or citizenship pathway. We manage the following programmes:

- visa and migration
- refugee and humanitarian assistance
- border management
- visa compliance and immigration status resolution
- immigration detention, removal or transfer to Regional Processing Centre
- citizenship.

Information you provide in a visa, sponsorship or citizenship application will be used for that primary purpose.

Under the Privacy Act, information can also be used for a secondary purpose. Generally this is where you would reasonably expect the department to use or disclose your personal information and the secondary purpose is either directly related to the primary purpose (for sensitive information) or related to the primary purpose (for other personal information). For example, the information you provide in a visa application may be used in relation to your subsequent applications (including under the *Freedom of Information Act 1982* and Privacy Act). Further, we may use electronic contact details you have provided to contact you about migration issues.

The consequences if your personal information is not collected by the department

If your personal information is not collected, the department may not be able to process your application for a visa or citizenship or (where relevant) provide support services to you. Failure to collect your information may inhibit the ability of the department to meet its statutory obligations (particularly in relation to compliance), its duty of care obligations, or Australia's international commitments.

The usual disclosure of your personal information to third parties

Disclosure to nominated representatives

Where you have nominated a person, such as a family member, migration agent, travel or airline agent, Ombudsman, Member of Parliament, or solicitor to represent you, your personal information may be disclosed to those third parties unless you have requested that we do not do so.

Your personal information can be disclosed to the person you are sponsoring or your sponsor.

Usual disclosures to other Government Agencies

Other Australian Government agencies have power under Australian law to obtain certain personal information from the department.

Further, the department is, in certain circumstances, authorised to disclose personal information to other government agencies for the purposes of administering its functions and activities. Examples include disclosure to confirm your identity, verify the authenticity of documents you have provided, undertake data matching, or to manage compliance obligations.

Government agencies we exchange information with include but are not limited to:

- Department of Human Services, to administer the *Social Security Act 1991*
- Department of Social Services
- Department of Industry
- Child Support Agency
- Department of Education, to administer the *Education Services for Overseas Students Act 2000*
- Department of Employment, to data match information about employment services
- Department of Veterans' Affairs, to administer the *Veterans' Entitlements Act 1986*
- Australian Taxation Office (ATO), to administer the *Income Tax Assessment Act 1997*
- Department of Foreign Affairs and Trade (DFAT), to administer the *Australian Passport Act 2005* and to obtain country information for protection visa processing
- Australian Electoral Commission, to administer the *Commonwealth Electoral Act 1918*.

Review, Audit and Investigation Bodies

If you apply for merits or judicial review of a decision, the department will provide relevant personal information to the tribunal or court conducting the review.

We share information with investigation bodies such as:

- Commonwealth and Immigration Ombudsman
- Office of the Australian Information Commissioner
- Australian National Audit
- Australian Human Rights Commission
- Fair Work Ombudsman.

Emergencies and law enforcement

Your contact details may be provided to Australian law enforcement agencies or emergency services in the event of an emergency, serious injury or death.

The department also discloses information to Australian enforcement agencies where necessary for the enforcement of criminal law.

Support programmes

Information collected in the visa process may be disclosed to:

- Department of Social Services to provide settlement support
- Department of Industry to facilitate and monitor English language training.

Disclosures to licencing authorities

If you apply for a licence in Australia, the department may disclose to the relevant authority information about your migration status and work entitlements, and in some instances whether you have been granted Australian citizenship. This information will be used to assess your suitability to hold a licence.

Authorised disclosure of personal information

'Personal identifier' is defined on Page 1.

The department has authority under Part 4A of the Migration Act and s43 of the Citizenship Act to disclose personal identifiers in a range of circumstances. Examples include:

- to verify citizenship or visa status
- for the enforcement of criminal law
- exchanging identifying information under an arrangement with an Australian Government agency
- making relevant information available to a court, tribunal, or investigating body
- where required by Australian law.

The department also has authority under the Citizenship Act to disclose personal identifiers for the purposes of citizenship or migration legislation.

Part 4A of the Migration Act also authorises the department to disclose personal information (including personal identifiers) in the following circumstances:

- data matching to:
 - identify, or authenticate the identity of a person
 - facilitate processing persons entering or departing from Australia
 - identify non-citizens who have a criminal history, are of character concern or are of national security concern
 - combat document and identity fraud in immigration matters
 - assist processing a protection visa
- to identify or locate a person (see also sections 33FA and 33FC of the Migration Act)
- to prescribed investigatory bodies such as the Australian National Audit Office and the Australian Human Rights Commission
- to make arrangements with the foreign governments for removal from Australia or for the purposes of extradition of a person to and from Australia.
- to make the information available to specified foreign governments, law enforcement or border control bodies of foreign governments, or specified international organisations for the purposes of managing migration issues (see section 5A(3) of the Migration Act).
- for obtaining or giving assistance in international criminal matters.

For more information about personal identifiers see form 1243i.

In relation to worker visas, the department is also authorised to disclose certain personal information about sponsors or visa holders to the corresponding visa holder or sponsor (see section 140ZH of the Migration Act and regulations 2.103, 2.104 and 2.105).

Disclosure of Movement Records

Arrival and departure records of travellers to and from Australia are stored in a movement records database. They may be disclosed for the purposes of:

- the Migration Act
- the *Family Law Act 1975*
- customs or excise laws
- quarantine or health laws
- law enforcement
- the *Education Services for Overseas Students Act 2000*
- prescribed Commonwealth, state or territory legislation, such as administration of first home owners programmes or children and/or welfare programmes.

Disclosure under the Privacy Act for law enforcement

The department is authorised to disclose information to conduct enforcement activities under the Migration and Citizenship Acts. Usual disclosures include to:

- Australian and overseas law enforcement agencies to assess and enforce character requirements
- Australian and overseas law enforcement agencies and intelligence agencies or commissions, National Common Police Services, Interpol, regulatory commissions, parliamentary commissions of inquiry, international tribunals and overseas immigration authorities, to identify or investigate immigration fraud, national security issues, or suspected involvement in war crimes or crimes against humanity
- ATO, Centrelink and other Commonwealth or state and territory agencies to locate persons working in breach of their work related visa conditions
- ATO and Australian police forces to locate unlawful non-citizens
- Director of Public Prosecutions prosecuting migration or citizenship offences
- foreign governments for the removal of an unlawful non-citizen
- registered educational institutions, employers, sponsored persons, sponsors and labour suppliers to monitor compliance with visa conditions and sponsorship obligations, and notify instances of sanctions imposition.

Other disclosures associated with programme management

Assurance of support

Information relating to people providing Assurance of Support will be disclosed to Centrelink to facilitate release of bonds paid or identification and recovery of debts incurred.

Employment, labour supply and business skills

The department may disclose information about your migration status, work entitlements and the type and duration of your visa to employers, labour suppliers and third parties who use your services through a labour supply arrangement. For example, when you apply for work, the department may disclose to the employer or labour supplier about your eligibility to work.

The department may also disclose information to state and territory economic development departments and agencies that help business skills migrants access government business information services.

Training and education

Personal information may be disclosed to:

- DFAT, Department of Industry and Department of Education to assist those seeking to undertake training or to study in Australia
- Department of Employment to determine any impact of a proposed workplace component on the Australian labour market
- Department of Education and delegated authorities who assess overseas qualifications for some classes of visas
- educational institutions which provide English-language tuition under the Adult Migrant English Program
- Australia Skills Quality Authority for the purpose of monitoring registered training organisations.

Health

Details of you or your family members' health as assessed for your visa application may be disclosed to government health agencies and medical providers to assist in determining whether the health requirement is met for visa grant, for consideration of whether the health requirement should be waived, or for management of public health risks.

Refugee and Humanitarian Entry, and On-shore Protection

The department may exchange the personal information of refugee and humanitarian entrants and their proposers (if applicable) to contracted service providers under the Humanitarian Settlement Services.

The department may provide personal information concerning asylum seekers and applicants for protection or humanitarian visas to the United Nations High Commissioner for Refugees (UNHCR) for the purpose of verifying identity, and humanitarian or protection claims.

The department may also provide personal information to the International Organization for Migration to assist its delivery of services.

Detention

The department may provide personal information concerning immigration detainees to:

- state and territory welfare agencies in relation to alternative detention arrangements, care for unaccompanied minors or guardianship for detainees with physical and mental health disabilities
- state and territory correctional services to facilitate transfers and confirm immigration status
- schools, medical practitioners and health and welfare services providers, or migration advisors providing services to you or assessing options to assist you or your family to depart.

Welfare and protection of children

The personal information of children, and/or parents/guardians/carers of children, may be disclosed to child welfare and protection agencies to:

- organise and monitor care and welfare arrangements in immigration detention and/or in the community
- investigate possible abuse or neglect
- facilitate travel arrangements and documentation.

Information relating to children entering Australia for adoption may be disclosed to state and territory welfare organisations.

Information to embassies, high commission and consulates to obtain travel documents

If you are granted a visa on departure grounds or have no lawful basis to remain in Australia you are expected to depart. If you do not hold or obtain a valid travel document within a reasonable timeframe, it is the usual practice of the department to apply for one on your behalf. This allows arrangements for your departure to be made.

The department will only provide the minimum information required by the appropriate embassy, high commission or consulate to facilitate provision of a travel document. This may include your name, details of your current passport or other identity documents and contact details.

Citizenship

The department may provide personal information other than personal identifiers to:

- local government councils and other organisations for the purpose of conducting and hosting citizenship ceremonies
- the Office of the Governor-General and the Department of Prime Minister and Cabinet to consider applications for Australian honours
- Members of Parliament and local government councillors for the purposes of welcoming new citizens into the Australian community.

Migration research

Personal information may be disclosed to other agencies and contracted third parties for the purposes of research, investigation and analysis for policy and/or program development. Contracts limit its use to stated research purposes, and require its destruction upon completion. Data collected and used in research is de-identified before it is released.

Personal information may be disclosed to the Australian Bureau of Statistics to facilitate demographic research on new arrivals and analysis of various migration programs and settlement outcomes.

Information relating to recent arrivals may be given to state and territory agencies or migrant service organisations to assist settlement planning or provide settlement services.

Major international events

Personal information may be disclosed to Australian Government agencies, including state and territory agencies, that have coordinating roles in major international events, such as: major sporting matches and games; international heads of state meetings; social, cultural or religious world gatherings or festivals.

The department may also use and disclose non-sensitive information with Australian and international organisations, and other countries, to facilitate your arrangements.

Information about the department's privacy policy

The department's privacy policy is available from the department's website www.immi.gov.au/privacy or any office of the department.

The policy contains information about:

- how you may access your own personal information held by the department and seek correction of it
- how you can complain about a breach of privacy and the department's complaint handling procedures.

Disclosure of your information to overseas recipients

The department uses external IT contractors to transmit and store data, including providers located overseas.

In some circumstances we disclose personal information to overseas recipients. Often the recipient will be your country of usual residence or the country you have departed from (unless you are awaiting an assessment of claims to be a refugee). This will include disclosures to airlines or travel agents in respect of advanced passenger processing and electronic visa processing.

The department also exchanges information with countries or international organisations who have information sharing agreements with Australia.

These information exchanges may involve sharing personal identifiers. For an up to date list of the countries which Australia has agreements with, refer to Fact sheet 84 *Biometric Initiatives*, which is available from the department's website

www.immi.gov.au/media/fact-sheets/84biometric.htm

If there is a match with your personal identifiers, the department may disclose your biographical data, copies of travel and other identity documents or information from such documents, your immigration status and immigration history (which may include any immigration fraud and offences) and any relevant criminal history information.

The purpose of such disclosure is to help confirm your identity and determine if you have presented to other agencies under the same identity and with similar claims.

If you are making an offshore humanitarian or protection visa application based on claims against the government of a particular country, the department will not disclose your personal information to that government, unless you are in Australia and you:

- have requested or agreed to return to this country, or
- are found not to be a person to whom Australia owes protection obligations.

Home page **www.immi.gov.au**

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.