

AusCheck

Privacy Notice



Australian Government
Attorney-General's Department

AusCheck

This brochure explains:

- what personal information is collected about you when you apply for an Aviation Security Identification Card (ASIC) or 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?

You have applied for an ASIC or a MSIC. ASICs and MSICs are only issued after AusCheck has conducted a background check on you.

Your issuing body will collect the information that AusCheck needs about you, in order to correctly identify you, and to conduct a background check. For example, supplying your date of birth and address information helps ensure that AusCheck can exclude criminal records that relate to a different person with the same name as you.

What personal information is being collected about me?

AusCheck will need your:

- identity information: including your name, date and place of birth, gender, any other names, your residential address, and current contact details
- work information: your employer contact details, and issuing body details, and maybe also
- migration information (but only if an immigration check is requested by your issuing body): 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 parent if you entered Australia on your parent's passport.

Only your identity and immigration information is used during the background checking process. Your work information is stored in the AusCheck database for other purposes, explained later. Your issuing body will also need a photograph of you, which must also be supplied to AusCheck for the AusCheck database.

Any other personal information that your issuing body asks for is for their own purposes, not for AusCheck's purposes. If you have any concerns, you should ask your issuing body to explain why they need that extra information about you.

How will my personal information be used?

AusCheck will coordinate a background check by using the information you provide to your issuing body to ask the following Government agencies for information about you:

- 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.
- CrimTrac: If you are over 18, CrimTrac will check your criminal history in the databases of all Australian legal jurisdictions and supply a copy of your criminal record to AusCheck. CrimTrac will not use your information for any other purpose.
- The Department of Immigration and Citizenship (DIAC): If your issuing body asks, DIAC will check your citizenship status or your legal right to work in Australia. DIAC may also use your information for immigration compliance purposes.

Spent convictions

Generally the aim of spent conviction schemes is to prevent discrimination on the basis of old and minor criminal convictions for people who have had a 'clean' record since that time.

Spent convictions will not show up in your criminal record check.

Generally your conviction will be considered a spent conviction if all of the following conditions are met:

- it is old – it is ten years since the date of your conviction (or five years if you were a child at the time of your conviction), and
- it was minor – you were sentenced to less than 30 months (two and a half years) imprisonment (or you were not imprisoned at all), and
- you have not re-offended 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, there are a few exclusions that apply to you, as a person applying for an ASIC or MSIC. This means that the details of some convictions for maritime and aviation security relevant offences will be given to AusCheck and used in its assessment of you.

All other spent convictions are considered irrelevant to your application for an ASIC or MSIC, and so will not be given to AusCheck.

If you believe the spent convictions rules have been breached by AusCheck, you can apply to the Office of the Australian Information Commissioner for an investigation.

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, an adverse security assessment, a qualified criminal record (ASIC only), a qualified security assessment, or are prevented for immigration reasons from being issued with an ASIC or MSIC. However, AusCheck will only tell your issuing body what is necessary for your issuing body to decide whether or not to issue you with an ASIC or MSIC. Your issuing body will not receive a copy of your security assessment. Your issuing body will not receive a copy of your criminal history, except if you have applied for an ASIC and you have a particular pattern of criminal convictions (a qualified criminal record). Your issuing body will be told about your immigration check results.

AusCheck will also keep your personal information and photo on a database. The database can be accessed by issuing bodies, industry participants in certain

circumstances, and Australian Government authorities that have functions relating to law enforcement or national security.

4 year MSIC – 2 year check

If you apply and are found eligible to be issued with a four year MSIC, you are required to have a second background check at the two year anniversary of your initial background check. The fee you 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 understood to have consented to this second background check.

If you do not want to have this second background check then you have the option of applying for a two-year MSIC. If you are found eligible for a four year MSIC and do not want to have the second background check, you can withdraw your consent 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.

Where can I get more information?

The *AusCheck Privacy Policy* has more information about:

- spent convictions and what are aviation and maritime security relevant offences
- how your personal information will be used
- who your personal information may be disclosed to
- your rights to access and correct your personal information, and
- how your personal information is secured by AusCheck.

You can see the AusCheck Privacy Policy at: www.ag.gov.au/AusCheck or for a copy call the Attorney-General's Department Privacy Officer on (02) 6141 2550.

Your issuing body is: