



This information form explains the authority to collect your personal information by the Department of Immigration and Citizenship (the department), how it can be used and how it is protected. It also tells you what you can do if you believe the department has wrongly collected or handled your information. This information form applies to departmental clients such as:

- visa applicants and persons who have connections or associations with visa applicants;
- visa holders and persons who have connections or associations with visa holders;
- Australian citizenship applicants and persons who have connections or associations with Australian citizenship applicants;
- Australian citizens; or
- unlawful non-citizens and persons who have connections or associations with unlawful non-citizens.

The department has authority under the *Migration Act 1958* (Migration Act) and the *Australian Citizenship Act 2007* (Citizenship Act) and other legislation it administers, to collect personal information to carry out its functions, including administration of applications for visas for entry to and/or stay in Australia, citizenship, multicultural affairs, post-arrival arrangements for migrants and refugees, compliance with legislation, detention of unlawful non-citizens, removal of unlawful non-citizens, monitoring the conduct of migration agents, and research into broad population issues and social and economic outcomes of migrants and temporary entrants. Information collected under the Migration Act can be used for assessing the requirements of residency, character and identification under the Citizenship Act.

The department can also give your personal information to other Commonwealth (and in some circumstances, state and territory) government departments and agencies where it is authorised by law or is established practice.

Your information — your privacy

The department respects your privacy. We are aware that the way information about you is used and managed can affect your life. It's important the information we hold is accurate, up to date and relevant. It's also important that the information is used only for the reason it was collected.

Our own practices are monitored to ensure that your personal information is kept secure and confidential.

The Privacy Act

The *Privacy Act 1988* (Privacy Act) is the key law designed to protect your rights and prevent misuse of personal information collected by government agencies.

The information privacy principles in the Privacy Act are strict privacy safeguards that federal government agencies, including the department, must obey when gathering, processing and disclosing information about you.

The Privacy Act prevents the department from passing your personal information to others except where:

- you are reasonably likely to have been aware of the department's disclosure practices; or
- you consent to it; or

- the department believes it is reasonable to disclose information to prevent or lessen a serious and imminent threat to your life or health or to that of another person; or
- disclosure is authorised or required by law; or
- disclosure is reasonably necessary to enforce the criminal law, law imposing a financial penalty, or to protect public revenue.

Personal identifiers

Migration Act 1958

The Migration Act authorises the collection of personal identifiers from non-citizens in a range of circumstances. Personal identifiers are defined as:

- fingerprints or handprints including those taken using paper and ink or digital live scanning technologies;
- a photograph or other image of the face and shoulders;
- an audio or video recording except where taken under section 261AJ of the Migration Act;
- an iris scan;
- a person's signature; or
- any other identifier prescribed in the regulations.

This definition does not include DNA samples.

Part 4A of the Migration Act permits the disclosure of personal identifiers in certain circumstances. In addition, the department may provide personal information other than personal identifiers to other countries with which Australia has agreements, including but not limited to, the United States of America, the United Kingdom, Canada and New Zealand. For further information, see form 1243i *Your personal identifying information*.

Australian Citizenship Act 2007

The Citizenship Act entitles the department to request a range of personal identifiers from persons applying for Australian citizenship, persons seeking evidence of or renunciation of their Australian citizenship and from persons sitting the citizenship test. The identifiers will be used to ascertain identification, authentication of identity and for combating identity fraud and document fraud in citizenship matters.

There are statutory requirements which must be fulfilled before your identifying information can be disclosed, even to other Commonwealth, state and territory government agencies. Personal identifiers can be released to the general public in limited circumstances only. For further information, see form 1243i *Your personal identifying information*.

Accessing your personal information

You have a right to access your personal information under the Privacy Act and to access copies of documents (except exempt documents) held by the department and other Australian Government departments under the *Freedom of Information Act 1982* (the FOI Act).

Under the Privacy Act you may obtain original documents you have given to us or copies of personal documents on your file which you have provided to us or that we have sent to you. You or someone authorised to access your information on your behalf can apply to do this at any office of the department.

The FOI Act also enables you to access documents containing your personal information. You or someone authorised to access your information on your behalf can apply to do this at any office of the department in Australia, fees and charges may apply. If you are overseas, you must provide an Australian address to which copies of personal records can be sent.

More information on how to make a request under either the Privacy Act or the FOI Act is given on the form 424A *Request for access to documents or information*, which is available from an office of the department or the department's website www.immi.gov.au/allforms/

Amendment or annotation of your personal information

If you are seeking an amendment or annotation of your personal information held in the department, please obtain form 424C *Request for amendment or annotation to personal records under the Freedom of Information Act 1982* from an office of the department or from the department's website www.immi.gov.au/allforms/

Your rights

If you believe the department has wrongly collected or handled your information, you can write to:

The Director
Freedom of Information and Privacy Policy Section
Department of Immigration and Citizenship
PO Box 25
BELCONNEN ACT 2616

or e-mail privacy@immi.gov.au

Your complaint will be investigated and you will be advised of the outcome.

If you are not satisfied with the department's response, you can write to the Privacy Commissioner. The Privacy Commissioner can investigate complaints about the protection of personal information, order compensation to be paid where warranted and direct departments to change the way they handle personal information. You can write to the Privacy Commissioner at:

GPO Box 5218
SYDNEY NSW 1042

or call the free privacy hotline – 1300 363 992.

To whom can the department give your personal information?

The Migration Act authorises the department to collect information on all people entering or leaving Australia and other non-citizens in Australia. The information collected is used by the department and other agencies to monitor and control Australia's borders and for achieving compliance with the legislation they administer.

Other information collected by the department is usually linked to an application for a visa, grant of citizenship or some other entitlement. It is normal practice for the department to release part or all of the information collected to relevant agencies to establish that requirements relating to identity, health, character, Australia's foreign policy and employment are met or for locating people not lawfully in Australia.

Documents provided by you to support an application for a visa or for Australian citizenship can be referred to the issuing authority (either overseas or in Australia) for authentication.

Information may also be disclosed to the Migration Agents Registration Authority to assist it to perform its functions.

The department's computerised databases which record details of people arriving in and departing from Australia, and those granted visas to remain in Australia are matched against other agencies' databases. These record the details of individuals applying for, or who get, pensions and benefits administered by Centrelink, the Department of Education, Employment and Workplace Relations (DEEWR), the Department of Veterans' Affairs (DVA), the Child Support Agency and also Medicare Australia. These records may also be matched against the records of the Australian Taxation Office (ATO) for the purpose outlined below under the heading 'Taxation'. Individuals' records can be matched with DEEWR, including the Workplace Ombudsman, data for access to employment services.

The department can also give your personal information to someone you have asked to act for you; for example a relative, migration agent, solicitor or a member of parliament. Even then, there may be times when your written consent is required before the department can disclose your personal information.

Emergency contact details

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

Authority for disclosure of personal information

The main agencies/bodies that receive your information are listed below. They need your information for a variety of reasons to assist in governing Australia.

The Department of Foreign Affairs and Trade (DFAT) or the Australian Trade Commission (Austrade) process visa applications in countries where the department is not represented. Officers of DFAT and Austrade performing these functions are authorised by the Minister of Immigration and Citizenship to collect and use your information but only for the purpose given. This information can be used by DFAT or Austrade only for immigration related activities.

Some departmental functions are contracted out and personal information of clients is disclosed to contractors; for example, in providing food and other help to refugees on arrival. Another example is the use of contractors for publicity purposes or to conduct research surveys. In these cases, the contractor must ensure that personal information is secure and confidential and not used for any other purpose.

The department will disclose information to other Commonwealth (and in some circumstances, state and territory) government agencies where that disclosure is required or authorised by legislation administered by another agency, or to confirm your identity and/or verify documents issued to you by this department that you may present to another agency.

The department may also disclose documents which you have presented to the department to the issuing authority in order to verify their authenticity.

Following is a brief description of the various purposes for which the department can disclose your personal information and details of the department's usual practices of disclosure.

Adoption

Information relating to children entering Australia for adoption may be disclosed to adoptive parents, prospective adoptive parents and state/territory welfare organisations responsible for inter-country adoption issues.

Assurance of support

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

Audit and complaint handling

The department may give relevant personal information to authorised agencies where the disclosure of information is required or authorised by or under legal administration by another agency. Those agencies may include, but are not limited to:

- the Australian National Audit Office – for the purpose of conducting audits;
- the Commonwealth and Immigration Ombudsman – for the purposes of investigating complaints and conducting investigations;
- the Australian Human Rights Commission – for the purposes of investigating complaints; and/or
- the Office of the Australian Information Commissioner – for the purpose of investigating complaints.

Border control

On behalf of the department, The Australian Customs and Border Protection Service and the Australian Federal Police (in the Cocos and Christmas Islands) collect passenger cards from people arriving in and departing from Australia.

The department may provide personal information including passenger card information, visa details and arrival details to The Australian Customs and Border Protection Service to administer customs and excise laws.

To facilitate Advance Passenger Processing, passport details of travellers to Australia may be collected by airline check-in staff at overseas airports for transmission to the department.

Business skills

State/territory economic development departments and agencies which help business skills migrants access government business information services.

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;
- federal, state and territory police to help assess character for citizenship;
- the Australian Electoral Commission to administer subsection 99A(6) of the *Commonwealth Electoral Act 1918*;
- DFAT to administer the *Australian Passport Act 2005* and *Foreign Passports (Law Enforcement and Security) Act 2005*;
- Centrelink to administer the *Social Security Act 1991*;
- the Office of the Governor-General and the Awards and National Symbols Branch of the Department of Prime Minister and Cabinet to consider applications for Australian honours;
- federal, state and territory Members of Parliament and local government councillors for the purposes of formally welcoming new citizens into the Australian community.

There are further restrictions on disclosure of personal information which is a personal identifier under the Citizenship Act. Normal practice alone does not authorise disclosure of a personal identifier. For further information please see form 1243i *Your personal identifying information*.

Detention

The department may provide personal information concerning immigration detainees to:

- relevant non-government organisations or community care groups in requesting the provision of community care support for a detainee's alternative detention arrangements;
- state/territory welfare agencies in relation to foster care under alternative detention arrangements for unaccompanied minors and guardianship under alternative detention arrangements for detainees with physical and mental health disabilities;
- the Australian Red Cross in requesting the provision of community care support with a detainee's residence determination arrangements;
- state/territory correctional services to facilitate transfers and confirm immigration status.

Seeking travel documents from DFAT

The department may provide personal information and information about your visa and travel document (if available) to DFAT to administer the *Australian Passport Act 2005* and, in particular, when you apply for a travel document from DFAT. This information will be used to assist in identifying you. The department may also disclose your facial image (photo) to DFAT to assist in identification. For more information about your facial image, see the form 1243i *Your personal identifying information*.

Personal information may also be provided to DFAT to administer the *Foreign Passports (Law Enforcement and Security) Act 2005*.

Education

- DEEWR (and delegated authorities) to assess overseas qualifications for some classes of visas.
- The Australian Agency for International Development (AusAID) and DEEWR to assist students seeking to study in Australia.
- DEEWR to monitor educational institutions under the *Education Services for Overseas Students Act 2000*.
- Educational institutions which provide English-language tuition to migrants and refugees under the Adult Migrant English Program.
- Registered educational institutions to enable the department to monitor student compliance with visa conditions.

Information provided to embassies, high commission and consulates

If you are granted a visa on departure grounds you are usually expected to make arrangements to depart Australia. It is generally a condition of your visa that you hold a valid travel document such as a passport. If you do not currently hold a valid travel document, you are expected to make arrangements to obtain one as soon as possible.

If you are not able to 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 continue to be made. You should also be aware that, for the purpose of applying for a travel document on your behalf, the appropriate embassy, high commission or consulate may ask the department to disclose information about you.

The department will only provide the minimum information about you that is required by your country's embassy, high commission or consulate. This information may include your name, details of your current passport or other identity documents and contact details.

Employers and labour suppliers

The department may disclose information about your migration status, work entitlements, the type of visa you hold and the 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 this information to assist the employer or labour supplier to determine your eligibility to perform that work; and
- if you are detected working illegally in Australia, the department may disclose your name and details of your migration status to your employer, labour supplier or to third parties who use your services through a labour supply arrangement.

First Home Owner Grants

Movement records and personal information relating to citizenship or residency status of persons applying for a First Home Owner Grant may be disclosed to state and territory government revenue offices to assess the applicant's eligibility for the grant.

Health

- Details of your or your family members' health as assessed for your visa processing may be passed to the Department of Health and Ageing, to Medibank Health Solutions, to specialist consultants, and/or to state or territory authorities to assist in determining whether the health requirement is met for visa grant, for consideration of whether the health requirement should be waived, for management of public health risks including administration of health undertakings where required.
- Details of your or your family members' health may also be passed to specialist medical consultants and contracted organisations who provide services including well-being support, immigration counselling and assisted voluntary return services, immigration advice and application assistance, immigration medical health assessments, and health assessments and services within immigration detention. This is to assist with resolution of your or your family's immigration status, including the impact of any health conditions on ability to travel and the identification of any services to help you or your family to depart Australia.
- Medicare Australia to assess eligibility for Medicare and other health care benefits and services.

Labour Agreements and Invest Australia Supported Skills (IASS) agreements

The department monitors employers to ensure program integrity. Information obtained about visa holders enables the department to determine compliance with employer obligations, visa requirements and compliance with all relevant Australian laws. For this purpose, the department may obtain information about visa holders from current and/or former employers and industry bodies. It may disclose visa holders' information to other Commonwealth, state and territory government departments and their agencies responsible for health, workplace safety, public safety, industrial relations, law enforcement, fair trading and trade practices legislation, including DEEWR, Workplace Authority, Workplace Ombudsman, Department of Industry, Tourism and Resources (IASS only) and ATO.

Law enforcement

- Federal, state and territory police forces and overseas law enforcement agencies to help assess character requirements for entry and citizenship.
- Federal, state and territory police forces where the disclosure of information is necessary for the enforcement of criminal law.
- The Australian Taxation Office and federal, state and territory police forces where the disclosure of information is necessary to assist in your location and possible detention in the event that you become an unlawful non-citizen. You will become an unlawful non-citizen if your visa ceases (for example by cancellation for breach of visa condition) or expires, and you do not hold another visa authorising you to remain in Australia.
- Commonwealth and state directors of public prosecutions who help the department bring to court cases involving breaches of migration and citizenship legislation.
- Foreign governments where the disclosure is for the removal of an unlawful non-citizen.
- Personal information can also be passed to: other law enforcement agencies (Australian and overseas) and intelligence agencies or commissions; National Common Police Services; Interpol; regulatory commissions; parliamentary commissions of inquiry; international tribunals and overseas immigration authorities, including information relating to suspected involvement in war crimes, crimes against humanity and immigration fraud.
- The Attorney-General's Department where the disclosure of information is necessary for investigation into possible visa cancellation.
- Personal information will be provided to the ATO, Centrelink, and other Commonwealth, state or territory agencies which records persons' work eligibility to assist the department in the location of persons working in breach of their work related visa conditions.
- Personal information of persons reported as missing may be passed to Missing Persons Units of Australian law enforcement agencies.
- Personal information of persons identified committing immigration fraud may be passed to airline operators and other organisations for the purpose of combating immigration fraud.

Licensing authorities

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

Payment of pensions and benefits

Personal information may be provided to the following agencies:

- AusAID, Centrelink, the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), DVA, and DEEWR to administer Commonwealth law on pensions, allowances or benefits;
- Medicare Australia to assess eligibility for Medicare and health care benefits;
- the Australian Red Cross Society to assess eligibility under the Asylum Seeker Assistance Scheme.

Refugee and Humanitarian Entry, and On-shore Protection

The department may disclose the details of refugee and humanitarian entrants and their proposers (if applicable) to service providers who are contracted to deliver support under the Humanitarian Settlement Strategy (HSS).

At the request of the department, HSS service providers may provide information to the department regarding services delivered to particular clients for accountability purposes.

The department may provide personal information concerning applicants for Refugee and Humanitarian visas and Protection visas to the United Nations High Commissioner for Refugees (UNHCR) for the purpose of verifying the applicant's identity, and/or refugee, or humanitarian, or protection claims.

The department may also provide personal information concerning Refugee and Humanitarian visa applicants to the International Organisation for Migration to assist that organisation in the delivery of services to its clients.

Review of decisions

The department provides personal information, including personal identifiers, to tribunals and courts conducting reviews of decisions made by the Minister or within the department. This may include providing your personal information to a court or tribunal conducting a review of a decision relating to a family member, sponsor, nominator or associated person.

Settlement

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 resultant settlement outcomes.

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

Taxation

Information may be given to the Commissioner of Taxation to administer taxation legislation and the Department of Human Services to administer child support legislation. Migration and temporary entry information is also matched with taxation data to facilitate research into the economic and social outcomes of these groups of entrants to Australia.

Temporary business entry

To ensure the integrity of the subclass 457 Temporary Business (Long Stay) visa, the department has a thorough monitoring process to assist in ensuring compliance with all program requirements and all relevant Australian laws.

The department will disclose your information to other Commonwealth, state and territory government departments and agencies in relation to sponsorships, nominations and for 457 visa monitoring and compliance purposes. These departments and agencies include the Workplace Ombudsman, ATO, DEEWR and Commonwealth, state and territory departments and agencies responsible for health, workplace safety, public safety, industrial relations, law enforcement, fair trading and trade practices legislation.

Information about the working conditions of business entrants will be obtained from the current and/or former business sponsor and the visa holder to enable the department to determine whether the sponsorship obligations and any other 457 visa program requirements are being met, and all relevant Australian laws are being complied with. This information will be disclosed to the government departments and agencies referred to above.

The department will disclose the outcome of your Sponsored Business Visitor (Short Stay) application to your sponsor.

Training

- Sponsors of Professional Development visas and Trade Skills Training visas to monitor compliance with sponsorship obligations and notify instances of sanction imposition.
- AusAID and DEEWR to assist those seeking to undertake training in Australia.
- DEEWR to monitor educational institutions compliance to the *Education Services for Overseas Students Act 2000*.
- DEEWR to determine any impact of a proposed workplace component on the Australian labour market.

Welfare and protection of children

Children, and/or parents/guardians of children, in immigration detention and/or in the community may have personal information disclosed to state and territory child welfare and protection agencies for the following purposes:

- to obtain advice on appropriate care and welfare arrangements in immigration detention and/or in the community;
- to monitor appropriate care and welfare arrangements in immigration detention and/or in the community;
- to investigate possible abuse or neglect;
- to facilitate arrangement of travel documentation;
- to assess eligibility for the grant of a bridging visa; or
- to organise appropriate care and supervision in the community in the event the child is granted a visa or placed in an alternative place of immigration detention.

Other uses of personal information

Information drawn from the department's dealings with clients, for example in relation to visa or sponsorship applications etc. can also be analysed to identify trends, patterns or characteristics of concern in relation to types of visa applicants, or persons who are connected with visa applicants, who are associated with particular patterns of immigration activity. This information may be used to inform departmental officers of the types of cases that may require closer scrutiny in order to ensure integrity in decision-making under the Migration Act.

Further information on privacy matters is available from the:

Freedom of Information and Privacy Policy Section
Department of Immigration and Citizenship
PO Box 25
BELCONNEN ACT 2616

E-mail: privacy@immi.gov.au

Interpreter assistance

Interpreter assistance is available via the department's translating and interpreting service, which provides a national 24 hours a day, 7 days a week telephone service on national telephone number 131 450.

Other assistance

Callers who have a hearing, speech or communication impairment can contact us through the National Relay Service (NRS). Text phone (TTY) or modem callers should call the NRS on 133 677. Callers using Speech or Speech Relay (SSR) can contact the NRS on 1300 555 727.

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.