



# Privacy notice

Form  
**1442i**

**Australian Government**  
**Department of Home Affairs**

The Department of Home Affairs (the Department) includes the Australian Border Force.

The *Privacy Act 1988* (Privacy Act) requires us to notify you of certain matters when we collect personal information about you. We have published our Privacy Policy, which contains information about our approach to complying with the Australian Privacy Principles (APPs) set out in the Privacy Act and, in particular, information about:

- how you may access personal information held by us about you
- how you can seek the correction of such information
- how you may make a complaint about a breach of the APPs
- how we deal with such a complaint.

Our Privacy Policy can be found at <https://www.homeaffairs.gov.au/access-and-accountability/our-commitments/privacy>

In addition, many of our forms that you may complete, relating to specific purposes, contain specific notices regarding our collection powers and what we do with your personal information (for example, forms under the *Customs Act 1901* for the collection of information regarding incoming passengers and crews of ships and aircraft arriving in Australia). You may also be provided a specific collection notice at the time you use a service or provide your personal information to the Department.

This *Privacy notice* is a statement of our collection powers, and it supplements the contents of those specific notices. It is published on our website at

<https://immi.homeaffairs.gov.au/form-listing/forms/1442i.pdf> and should be considered your notification of APP 5 matters.

## The Department – who we are/what we do

The Department is responsible for immigration and migration (including border security, entry, stay and departure arrangements for non-citizens); customs and border control (other than quarantine and inspection); citizenship; ethnic affairs; national security policy and operations; multicultural affairs; transport security; cyber policy co-ordination; critical infrastructure protection co-ordination; Commonwealth emergency management; arrangements for the settlement of migrants and humanitarian entrants; adult migrant education; all hazards relief, recovery and mitigation policy and financial assistance.

## Contact details

Full contact details can be found on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au)

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

- complete the online feedback form at [www.homeaffairs.gov.au/feedback](http://www.homeaffairs.gov.au/feedback) or
- write to: The Manager  
Global Feedback Unit  
GPO Box 241  
Melbourne VIC 3001  
Australia

## Collection of personal information

### What is personal information?

The Privacy Act provides that personal information is information or an opinion about an individual who is reasonably identifiable (whether true or recorded in material form or not).

We also collect sensitive information which is a subset of personal information defined under the Privacy Act as information or an opinion, that is also considered personal information, about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practice, and criminal record. Sensitive information also includes health information and genetic information about an individual, and certain biometric information. Biometric information includes an electronic copy of your face, fingerprint, iris, palm, signature or voice.

Legislation which applies to the Department also specifically protects certain kinds of information that may also be personal information, such as personal identifiers (as defined in the *Migration Act 1958* and *Australian Citizenship Act 2007*), and Immigration and Border Protection information (as defined in the *Australian Border Force Act 2015*), amongst others.

For more information relating specifically to personal identifiers see form 1243i *Your personal identifiers* at <https://immi.homeaffairs.gov.au/form-listing/forms/1243i.pdf>

### Who will we collect your personal information from?

In most cases, we will collect your personal information directly from you or someone you authorise (for example, an agent or your doctor).

In some cases, it may be collected from you via an automated system. For example, we use SmartGate systems at international airports which collect your personal information (such as facial images) from you.

We also collect your personal information from a range of Commonwealth, state or territory government agencies (particularly law enforcement agencies) and foreign governments under various Australian laws and domestic or international agreements.

Personal information is also collected and used on our behalf by contracted service providers. Examples include advanced passenger processing by airlines for both outward and inbound flights, support services for immigration detainees, medical services and provision of the Adult Migrant English Program (AMEP). We require that all of our contractors comply with the Privacy Act whether they are located in Australia or overseas.

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

We have a wide range of functions and powers relating to the collection, use and disclosure of personal information, most of which are set out in specific Commonwealth laws. In addition, we may generally collect personal information in accordance with the Privacy Act.

Below is an outline of the legislation we commonly collect personal information under.

### *Migration Act 1958* (the Migration Act)

We are authorised under the Migration Act to collect personal information, and in some circumstances personal identifiers (such as a person's fingerprints or handprints, photograph or signature, amongst other things). For example, these may be collected:

- for visa application purposes
- in connection with search and seizure powers under the Migration Act
- when an individual is entering or leaving Australia (for example, a passport or visa or evidence of identity).

### *Australian Citizenship Act 2007* (the Australian Citizenship Act)

We are authorised under the Australian Citizenship Act to collect personal information (including personal identifiers) in order to be satisfied that an individual meets citizenship requirements.

### *Immigration (Guardianship of Children) Act 1946* (the IGOC Act)

Under the IGOC Act, and its regulations, the Minister is the guardian of certain unaccompanied non-citizen minors who arrive in Australia without a parent or relative aged 21 years and over (known as IGOC Minors).

To assist in meeting guardianship responsibilities, the IGOC Act allows the Minister to delegate his/her guardianship powers and functions to officers in the Commonwealth or state/territory governments (referred to as 'IGOC delegates'). Willing and suitable persons or organisations can also be appointed 'custodians' of the IGOC Minors. In general, a custodian must provide for the welfare and care of a child who is in their custody. To ensure the welfare and care of children under the IGOC Act, the Department collects personal information about IGOC Minors and their custodians. Where necessary, and in accordance with the Privacy Act, the Department may disclose personal information to, and collect information from, state/territory authorities including child welfare agencies, IGOC delegates, custodians, parents, carers, relatives, and other Australian Government agencies.

### *Customs Act 1901* (Customs Act) and *Excise Act 1901* (Excise Act)

We collect a range of personal information under the Customs Act and Excise Act in our role of protecting Australia's borders and ensuring the collection of border revenue. This includes information relating to incoming passengers and crews of ships and aircraft.

### *Maritime Powers Act 2013* (Maritime Powers Act)

We are authorised under the Maritime Powers Act to collect personal information in the exercise of maritime powers. The powers support the enforcement of Australia's maritime related laws, including in relation to illegal foreign fishing, customs, maritime counter terrorism, migration, quarantine and drug trafficking, as well as international agreements and arrangements at sea.

### *Immigration (Education) Act 1971* (Immigration (Education) Act)

We, and AMEP providers on behalf of us, are authorised to collect a range of personal information to be satisfied that an individual meets AMEP eligibility requirements under the Immigration (Education) Act.

## Collection of your personal information under the Privacy Act

The Privacy Act recognises that personal (including sensitive) information may be collected by us under an Australian law – examples of which are above.

The Privacy Act also provides that personal information other than sensitive information can be collected if the information is reasonably necessary for, or directly related to, one of our functions or activities.

With respect to the collection of sensitive information, the Privacy Act permits collection of sensitive information by us in certain circumstances, including:

- if you consent and the information is reasonably necessary for, or directly related to, one of our functions or activities
- the collection is reasonably necessary for, or directly related to, one or more of our enforcement related activities.

## The purpose for which we collect your personal information

Our functions and activities are very wide, covering the functions listed at 'The Department – who we are/what we do' sections available on our website at

<https://www.homeaffairs.gov.au/about-us/who-we-are>

It would be impractical to list all the specific purposes for which we collect personal information, but these include the following purposes:

- visa and migration
- customs, excise and taxation
- refugee and humanitarian assistance
- settlement services
- Adult Migrant English Program
- border management
- visa compliance
- immigration status or detention
- citizenship
- law enforcement.

Your personal information will be used for this primary purpose or for a secondary purpose where permitted by the Privacy Act.

## The consequences if your personal information is not collected by the Department

If your personal information is not collected, we may not be able to process your application (such as your visa application), determine your eligibility for our services, or meet our statutory obligations, duty of care obligations or Australia's international commitments. This may result in you being denied entry to Australia, having applications refused or being ineligible for services (amongst other things).

## Disclosure of Personal Information

The personal information that we collect for the purposes of our functions and activities may be disclosed to third parties and other government organisations in a number of circumstances in accordance with the Privacy Act. Below are the most common categories.

### Disclosure to nominated representatives

You may nominate a person to whom we may disclose your personal information, such as a family member, migration agent, customs broker, sponsor or solicitor representing you.

## Authorised disclosure

We are, in certain circumstances, authorised or permitted under Australian law to disclose personal information, including to other Commonwealth and state and territory agencies.

The most important disclosure provisions in our portfolio legislation are Part 4A of the Migration Act, section 43 of the Citizenship Act and Part 6 of the Australian Border Force Act.

Examples include disclosures to assist in confirming your identity, verifying the authenticity of documents you have provided to us or another agency, or to undertake data matching or otherwise assist the agency to undertake its own compliance or other statutory functions.

## Disclosure to other government agencies

Government agencies we may disclose personal information to include but are not limited to:

- Services Australia, to administer the *Social Security Act 1991*, the *Child Support (Assessment) Act 1989* and *Child Support (Registration and Collection) Act 1988*
- Department of Social Services
- Department of Agriculture, Fisheries and Forestry, to manage Australia's biosecurity system and administration of the *Biosecurity Act 2015*, *Export Control Act 1982* and *Imported Food Control Act 1992*
- Therapeutic Goods Administration
- Department of Industry, Science, Energy and Resources
- Australian Sports Anti-Doping Authority to administer the National Anti-Doping Scheme
- Department of Education, to administer the *Education Services for Overseas Students Act 2000*
- Department of Employment and Workplace Relations to data match information about employment services and determine any impact of a proposed workplace component on the Australian labour market
- Department of Veterans' Affairs, to administer the *Veterans' Entitlements Act 1986*
- Australian Taxation Office, to administer the *Income Tax Assessment Act 1997* and other taxation legislation
- Fair Work Ombudsman, to administer the *Fair Work Act 2009*
- Department of Foreign Affairs and Trade, to administer the *Australian Passport Act 2005* and to obtain country information for protection visa processing, and in respect of any foreign passport you may be entitled to hold as a dual national
- Australian Electoral Commission, to administer the *Commonwealth Electoral Act 1918*
- Australian Bureau of Statistics, for the Multi-Agency Data Integration Project.

## Disclosure for enforcement related activities

We disclose personal information to Australian (Commonwealth, state and territory) and foreign enforcement agencies or bodies where it is reasonably necessary for an enforcement related activity conducted by or on behalf of a domestic enforcement body, including the prevention, detection, investigation and prosecution or punishment of a criminal offence.

Enforcement related activities also include to assist the preparation for, or conduct of, proceedings before any court or tribunal (including Coroners proceedings).

We disclose personal information to enforcement bodies such as:

- Commonwealth Ombudsman
- Office of the Australian Information Commissioner
- Australian National Audit Office

- Australian Human Rights Commission
- Fair Work Ombudsman.

## Disclosures relating to health and safety

Your personal information may be provided to governmental health agencies and medical providers in relation to visa considerations and the management of public health risks.

Your personal information may also be provided to Australian law enforcement agencies or emergency services where the disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.

## Disclosure – other

Generally, we may disclose personal information to a range of bodies in accordance with the Privacy Act, including:

- education and employment agencies and bodies to assist those seeking to undertake training or study in Australia
- employer or labour supplier regarding migration status, work entitlements and your visa
- contracted service providers, including under the Humanitarian Settlement Program, Assisted Passage Program and Australian Cultural Orientation Program, and to determine eligibility and to deliver services under the Adult Migrant English Program
- United Nations High Commissioner for Refugees
- Australian and International Red Cross Societies
- state and territory correctional facilities to facilitate transfers and confirm immigration status
- state and territory child welfare agencies and organisations
- other embassies, high commissions and consulates
- agencies and contracted third parties for the purposes of research, investigation and analysis for policy and/or program development
- Australian government agencies, organisations and international organisations with a coordination role in major international events such as major sporting matches and international heads of state meetings
- councils, organisations and government officials with a role in citizenship and related awards and events
- licencing authorities to assist them assess your suitability to hold a licence.

## Disclosure to overseas recipients

Because of the nature of our functions and activities, we may also disclose personal information to overseas recipients.

In most cases, it will be disclosure to officials in/from your country of origin or of usual residence (unless you have made claims for protection against those countries and are awaiting the assessment of those claims to be finalised). We also disclose personal information to countries or organisations that have agreements with Australia. These include the United Kingdom, New Zealand, Canada and the United States of America, as well as the international organisations listed above under 'Disclosure – other'.

**Home page** [www.homeaffairs.gov.au](http://www.homeaffairs.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.