



Australian Government

Department of Home Affairs

Privacy notice

Visitors to immigration detention facilities

Form

1553

The Department of Home Affairs (the Department) includes the Australian Border Force. The *Privacy Act 1988* (Privacy Act) requires the Department to notify an individual of certain matters when it collects personal information about them. This form is your notification of those matters in relation to when you visit immigration detention facilities.

The Privacy Act

The Department of Home Affairs (the Department) is bound by the Australian Privacy Principles (APPs) in Schedule 1 to the Privacy Act. The APPs regulate how we collect, use, store and disclose personal information, and how you may seek access to, or correction of, the personal information that we hold about you.

The Department requires that its contracted service provider(s) also comply with the Privacy Act.

The Privacy Act permits collection of:

- sensitive information:
 - with your consent (and the collection is reasonably necessary for or directly related to, one or more of the Department's functions or activities)
 - in a 'permitted general situation' (such as where it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety)
 - where required or authorised under an Australian law or court/tribunal order, or
 - for enforcement related activities done by or on behalf of the Department
- other personal information where it is reasonably necessary for, or directly related to, one or more of the Department's functions or activities.

This notice explains why we (the Department) are collecting your personal information and how we will manage it in respect to visiting an immigration detention facility. Further information about our personal information handling practices is available from the Department's privacy policy, which you can access at <https://www.homeaffairs.gov.au/access-and-accountability/our-commitments/privacy>.

The privacy 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.

Why we collect your personal information

Our primary purpose for collecting personal information is to carry out the Department's functions or activities associated with administering immigration detention under the *Migration Act 1958*. Under the Privacy Act, we are permitted to use or disclose your personal information for the primary purpose for which it was collected.

Under the Privacy Act, information can also be used or disclosed for a secondary purpose. This can occur:

- with your consent
- 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)
- where the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order
- in a 'permitted general situation' (such as where it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety)
- for enforcement related purposes.

Through its contracted service provider(s), the Department collects personal information from you for the purpose of maintaining the safety, good order, or security of:

- an immigration detention facility
- the immigration detention network, and/or
- all immigration detention facility staff, detainees and visitors.

This includes identifying and managing health related risks and for implementing appropriate controls to prevent or manage the spread of communicable diseases.

This information assists the Department to meet its obligation to protect the health and safety of its workers and other persons under the 'health and safety duties' in Part 2 of the *Work Health and Safety Act 2011* (Cth) (WHS Act), so far as is reasonably practicable.

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

If your personal information is not collected, your application to visit an immigration detention facility, or a person in immigration detention, is unable to be processed.

How we collect your personal information

Your personal information will generally be collected by contracted service provider staff assessing visitor applications and/or conducting screening at immigration detention facilities on behalf of the Department. Information will generally be collected directly from you.

The collection of your personal information is voluntary, but if your personal information is not collected, your application to visit an immigration detention facility, or a person in immigration detention, is unable to be processed.

Your personal information will be included on a register at the immigration detention facility and may be provided to other areas of the Department for the purposes of carrying out the Department's functions or activities, or where otherwise permitted by an Australian law.

Closed-circuit television (CCTV) may be in continuous operation throughout the immigration detention facility. Your image and speech may be captured as a consequence of any CCTV monitoring. Audio and video obtained by CCTV monitoring will be treated confidentially and will only be used or disclosed for the above purposes or as otherwise required or authorised by an Australian law.

Who we disclose your personal information to

Your information will be treated confidentially and will only be used or disclosed for the purposes outlined in this Notice or as otherwise required or authorised by the Privacy Act or another Australian law.

An Australian law is a law of the Commonwealth, or a state, or a territory.

The Department may disclose personal information to Australian (Commonwealth, state and territory) enforcement agencies or bodies, such as the Australian Federal Police and/or a state or territory police force or service, for the purposes of assessing your visitor application, or where necessary for an enforcement related activity, including the prevention, detection, investigation and prosecution or punishment of a criminal offence.

We may disclose the information you provide to Commonwealth, state and territory government agencies that have a responsibility for administering health and biosecurity laws.

Disclosure of personal information to overseas recipients

Your personal information will not be disclosed to an overseas recipient without your consent, or unless permitted by APP 6 and APP 8 in Schedule 1 to the Privacy Act.

How you can access or correct your personal information

You can make a request for access and correction of your personal information under the *Freedom of Information Act 1982* (Cth) and the Privacy Act. Our Privacy Policy explains how you can seek access to the personal information that we hold about you, or how can you seek to have this information corrected.

Concerns and complaints

The Department is committed to protecting the personal information with which it is entrusted in accordance with the Privacy Act. If you believe that the Department has handled your personal information in a way that breaches our obligations in the APPs, our Privacy Policy explains how you can make a complaint and how we will deal with your complaint.

How you can contact us

Full contact details can be found on the Department's website:

www.homeaffairs.gov.au

Alternatively, you can provide feedback by:

- using the online feedback form
- writing to:

The Manager Global Feedback Unit
GPO Box 241
Melbourne VIC 3001 Australia