



# AusCheck Privacy Notice – ASIC & MSIC for Government

## June 2022

If you apply for an aviation or maritime security identification card (an ASIC or MSIC), you will be asked for personal information. This includes your:

- full name
- date of birth
- email address
- mobile phone number.

AusCheck uses this information to conduct a background check. The outcome of this check affects your eligibility to hold an ASIC or MSIC.

This notice tells you what personal information we collect and how we use it, as required by the *Privacy Act 1988* (Privacy Act).

If AusCheck does not collect your personal information you would be unable to be issued an ASIC or MSIC.

## Personal Information

If you apply for an ASIC or MSIC in the online portal, we collect your personal information through the Digital Identity system to verify your identity online.

As part of your application for an ASIC or MSIC, we collect the following information:

- **Identity information:** your full name, date of birth and address details for the past 10 years. We ask for any names you have ever been known by, including former names, titles, aliases, nicknames and pseudonyms.
- **Details of identification documents:** for example your birth certificate registration number or passport details. These copies will be stored in accordance with the *Archives Act 1983*.
- **A photograph:** that is less than 6 months old showing your full face, head and shoulders.
- **Work and study information:** the name, telephone number and business address of your employer or the institute where you are studying.
- **Other information:** AusCheck may also need additional information to confirm your identity, such as fingerprints or other biometric data.

If a 'right to work in Australia' or 'immigration check' is required, we will also need your immigration information. This includes:

- your passport number, and
- the number and expiry date of your visa.

The personal information may also be used to conduct subsequent background checks (see 'Consent').

You must tell us if you change your name or address while you have an ASIC or MSIC.

## Consent

By accepting this Privacy Notice and applying for an ASIC or MSIC, you have taken to have consented to:

- providing your information to the Digital Identity system, and
- a background check coordinated by AusCheck.

This consent applies to the initial background check required as part of your ASIC or MSIC application, and any other background checks required or permitted by the *AusCheck Act 2007* (AusCheck Act) or other legislation. This includes:

- a second background check two years after the initial background check for a four year MSIC
- a background check if it is reasonably suspected that you provided incomplete information in your application, or the application requirements were not met, or the advice given as a result of that check was inaccurate or incomplete
- a background check requested by the Secretary of the Department of Home Affairs (the Department)
- a background check if you are convicted of an aviation or maritime security-relevant offence whilst holding an ASIC or MSIC.

You will be required to provide consent to have your identity documents electronically verified with the document issuer or official record holder through third party systems.

## How AusCheck uses your personal information

We will use and disclose your personal information for the following purposes:

- determining whether a background check is required or permitted
- verifying the identity of an individual
- conducting a background check
- advising the results of a background check
- updating your information in our database
- reviewing a background check if the assessment advice was inaccurate or incomplete
- providing an online verification service that will verify if an ASIC or a MSIC has been issued and its status
- responding to a national security incident
- performing functions relating to law enforcement or national security

Your personal information will be held securely in the AusCheck database with access permitted on a need-to-know basis and only by authorised personnel.

**Under 18 years of age:** only the criminal intelligence and security assessment components of the background check are conducted.

## Who else can access your personal information

AusCheck discloses your personal information to the following Commonwealth Government agencies to do a background check:

- **The Department:** Your personal information may be passed to other parts of the Department to electronically verify your identification, or to check your citizenship status or your legal right to work in Australia. This information may also be used for immigration compliance purposes.
- **Australian Security Intelligence Organisation (ASIO):** ASIO will assess your background and any past activities to determine whether there could be a threat to national security. ASIO will keep your information and use it for national security purposes, including those purposes set out in the *Australian Security Intelligence Organisation Act 1979*.

- **Australian Criminal Intelligence Commission (ACIC) criminal record check and criminal intelligence assessment:** The ACIC will check your criminal record in the database of all Australian legal jurisdictions and give a copy of your criminal record to AusCheck. The ACIC will also assess your background and any past activities to determine whether you may commit, or assist another to commit a serious and organised crime. The ACIC may also securely store and use your information for law enforcement purposes, including those purposes set out in the *Australian Crime Commission Act 2002*.

We may use and disclose your personal information for a secondary purpose if an exception in the Privacy Act applies, such as where the use or disclosure is required or authorised by an Australian law.

Your personal information may be disclosed to an overseas recipient but only in specific instances where the disclosure is authorised by Australian law.

The Digital Identity system may use the information they collect to perform their functions, including:

- responding to reported cyber security incidents and events
- investigating suspected identity or credential-related fraud incidents
- managing complaints, questions and requests that you make about your Digital Identity
- coordinating system-wide responses to critical incidents.

## How we tell you the outcome of a background check

We will provide the results of the background check to you in writing.

If the background check finds that you have a criminal record, you will have the opportunity to review the details of our findings before we finalise our assessment. We will tell you how to dispute details that you believe are not accurate.

If you dispute the criminal record information provided by ACIC, you should contact us first. We might ask you to contact the relevant police in the jurisdiction in which the offence occurred to directly query your criminal record.

### If you are successful

If you are eligible for an ASIC or MSIC, we may issue your card.

### If you are not successful

We must not issue a card if you have any of the following:

- an adverse criminal record
- an adverse criminal intelligence assessment
- an adverse security assessment
- no right to work or live in Australia

**If you have applied for an ASIC or a MSIC and have an adverse criminal record with Tier 2 and/or Tier 3 offences only,** you can apply to the Secretary of the Department for discretion on whether an ASIC or MSIC can be issued.

You cannot apply for discretion if you have any of the following:

- an adverse criminal record (Tier 1 offences)
- an adverse criminal intelligence assessment
- an adverse security assessment

### If you have a qualified security assessment

If you have a qualified security assessment, we must not issue you an ASIC or MSIC unless the Secretary of the Department has given written approval to issue you an ASIC or MSIC.

## Self-report obligations

If you are convicted of an aviation or maritime security relevant offence after applying for an ASIC or MSIC, you must report this conviction.

AusCheck will conduct another background check only if you consent to this process.

## Follow-up background checks

If you are issued with a four-year MSIC, we will do another background check after two years.

You can withdraw your consent for this follow-up check at any time before the follow-up check starts. If you withdraw your consent we must immediately cancel your MSIC.

If you do not want to have a second background check, you have the option of applying for a two-year MSIC.

## Spent convictions

A conviction is 'spent' under Part VIIC of the *Crimes Act 1914* if all of the following applies:

- you were not sentenced to more than 30 months imprisonment in relation to the offence
- the 'waiting period' has ended – 10 years since the date of the conviction (or five years if you were dealt with as a minor), and
- you have not been convicted for an offence during the waiting period.

A conviction is also 'spent' under the Commonwealth spent conviction scheme if it is a 'spent conviction' under a state or territory law (other than South Australia).

A spent conviction will not ordinarily be disclosed on your criminal record. We do not have access to most spent convictions, and so we do not use or disclose them.

Convictions that have been quashed or set aside, or for which a pardon has been granted also do not appear on your criminal record.

There are exceptions for some aviation and maritime security relevant offences. These exceptions are included in your criminal record information and we will use them to assess your eligibility for an ASIC or MSIC.

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

## More information

The AusCheck section of the Home Affairs website has more information about the [AusCheck scheme](#).

The Digital Transformation Authority website has more information about the Australian Government's [Digital Identity system](#), including the [Digital Identity privacy policy](#).

## Home Affairs privacy policy

The [Home Affairs privacy policy](#) is available from the Home Affairs website or any of our offices.

The policy tells you how to:

- access or correct your information that we hold
- complain about a breach of the Australian Privacy Principles and how complaints are dealt with.

## How to contact us

You can contact an AusCheck staff member on 1800 287 243 or through [AusCheck@homeaffairs.gov.au](mailto:AusCheck@homeaffairs.gov.au).