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AusCheck Privacy Notice – Major National Events (MNEs).

2024 Association of Southeast Asian Nations (ASEAN)-Australia Special Commemorative Summit.

As part of the accreditation process to work or volunteer at the 2024 ASEAN-Australia Special Commemorative Summit (2024 ASEAN Summit), you may be required to undergo a background check. You will apply to AusCheck (part of the Department of Home Affairs) through the AusCheck online portal, using the MyGovID system. The organising body may engage an agent to perform functions on its behalf, including information collection, submitting the background check application and assessing background check outcomes. This document explains:

- what personal information is collected from you when an application for a background check is made in connection with you being accredited to work or volunteer at the 2024 ASEAN Summit;
- how your personal information will be used and disclosed; and
- where you can find more information about the Department of Home Affairs' (the Department) handling of personal information.

The *AusCheck Act 2007* (AusCheck Act) and *AusCheck Regulations 2017* (AusCheck Regulations) authorises and requires the Department to collect certain personal information to administer the AusCheck scheme.

The *Privacy Act 1988* (Privacy Act) requires the Department to notify an individual of certain matters when it collects personal information about them. This document is your notification of those matters.

What is personal information?

The Privacy Act defines personal information as any information or an opinion about an identified individual, or an individual who is reasonably identifiable (whether this is true or not and whether this is recorded in a material form or not).

Personal information may include sensitive information. Sensitive information is a subset of personal information and includes information or opinion about an individual's racial or ethnic origin, political, religious and philosophical beliefs, trade or professional associations or memberships, union memberships, sexual orientation or practices, criminal history, health, genetic and biometric information. Sensitive information is generally afforded higher protection under the Privacy Act.

Some biometric data is known as 'identity verification information' in the AusCheck Act and includes data such as your fingerprint (but identity verification information does not include your photograph). Identity verification information is given additional protection under the AusCheck Act and may only be collected, retained, used or disclosed for the purposes of verifying your identity for the purposes of the background check or providing that information to you.

For the purposes of a 2024 ASEAN Summit background check, biometric data will not be collected. Other sensitive information including your facial image and criminal history may be collected.

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What happens if my personal information is not provided?

A background check cannot be conducted without your personal information being provided to AusCheck.

If a background check cannot be conducted, the organising body and/or its agent may decide that you are unable to be accredited to work or volunteer at the 2024 ASEAN Summit in a role requiring a background check.

If you withdraw your consent at any stage, a background check may not be able to be completed and you would be unable to be accredited to work or volunteer at the 2024 ASEAN Summit in a role requiring a background check.

What personal information is being collected about me?

Section 5 of the AusCheck Regulations requires the following information to be collected:

- **identity information:** your full name, all former full names, all other names, titles, pseudonyms and aliases which you are or were known by, use or have used to identify yourself and all variants in spelling, date and place of birth, gender, contact details, current residential address, and all other previous residential addresses for the past 10 years.
- **details of identification documents:** for example your birth certificate registration number or passport details, to enable the electronic and in-person verification of these documents. If there are issues verifying these documents, your organising body and/or its agent, may provide copies of these documents to AusCheck to assist with troubleshooting. These copies will be stored in accordance with Commonwealth government record keeping obligations as set out in the *Archives Act 1983*.
- **work information:** the name, telephone number and business address of your employer and operational need to be granted unescorted access.
- **other information:** AusCheck may also need additional information in order to confirm your identity, such as a **photograph**. This would be taken at the same time as the in-person document verification stage, showing your full face, head and shoulders.

If a 'right to work in Australia' or 'immigration check' is requested by the organising body and/or its agent, AusCheck will also need the following information:

- **immigration information:** your passport number, and the number and expiry date of any visa granted to you enabling you to travel to, enter, remain and/or work in Australia.

How is my personal information being collected?

When you apply for a background check, you submit your application through the AusCheck portal, which collects your personal information. Your identity will be electronically verified through MyGovID's Digital Identity system. Original copies of your identification documents will also need to be verified at the in-person checking stage.

How will my personal information be used, disclosed and stored?

AusCheck will conduct and coordinate a background check using the information you provide. That information may also be used to conduct subsequent background checks (see 'Consent'). The outcome of these checks affects your eligibility to be accredited to work or volunteer at the 2024 ASEAN-Australia Special Commemorative Summit.

Your personal information will be used, disclosed and stored securely in accordance with the Australian Privacy Principles in the Privacy Act and the AusCheck Act.

AusCheck will store your personal information in the AusCheck database, and only use and disclose your personal information for purposes permitted by law, including:

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- determining whether a background check is required or permitted;
- conducting and advising on the outcome of a background check;
- updating information on an individual who has undertaken a background check;
- providing updated advice on the outcome of a background check if the original background check advice was inaccurate or incomplete (this may involve further background checking);
- verifying the identity of an individual;
- responding to a national security incident; and
- the performance of functions relating to law enforcement or national security by the Commonwealth, a Commonwealth authority, or a State or Territory authority.

AusCheck may also contact you via the email provided in your application.

Who will my personal information be disclosed to?

When conducting a background check, AusCheck will disclose your personal information to:

- **The Department:** AusCheck will use your personal information, including sharing this with other parts of the Department, to electronically verify your identity, or to check your citizenship status or your legal right to work in Australia.
- **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 store 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):** The ACIC will check your criminal record in the databases of all Australian legal jurisdictions and supply a copy of your criminal record to AusCheck. AusCheck will provide you with an opportunity to review your security-relevant offences before finalising the eligibility assessment. If you dispute the details of these offences, you are required to contact AusCheck in the first instance. AusCheck can provide details of your dispute to the ACIC, but you may need to contact the relevant police in the jurisdiction in which these offences occurred to directly query your criminal record. The ACIC may also securely store and use your information to perform functions as set out in the *Australian Crime Commission Act 2002*.

AusCheck will only use or disclose your personal information for other purposes where specifically required or permitted by law such as, responding to a national security incident, and for law enforcement or national security purposes.

What happens after my background is checked?

AusCheck will use the results of these checks to advise your organising body and/or its agent whether you:

- have provided a verified identity document; and
- are eligible to be accredited; or
- have an 'adverse' or 'qualified' security assessment as assessed by ASIO; or
- have an unfavourable criminal history.

If you have an 'adverse' security assessment your organising body and/or its agent must not issue you an accreditation.

An individual has an 'unfavourable criminal history' if the criminal history of the individual discloses that the individual has a MNE criminal offence. There are three levels of MNE criminal offences, ranging in seriousness.

If you have been convicted of and sentenced for an MNE level 1 disqualifying offence, the organising body and/or its agent must not issue you an accreditation.

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If you have been convicted of and sentenced for an MNE level 2 or 3 criminal offence, the organising body and/or its agent may choose whether to accredit you. The organising body and/or its agent will have an accreditation review panel review the details of your offence and make a decision on whether to offer accreditation for the 2024 ASEAN Summit.

AusCheck will keep your personal information on the AusCheck database. The organising body and/or its agent, as well as Commonwealth, state and territory authorities seeking access for the purposes of performing functions relating to law enforcement or national security can access this information in certain circumstances authorised by law.

Consent

You will be prompted to provide consent to have your identity documents electronically verified with the document issuer or official record holder through third party systems and to undergo a background check as part of your application, as well as any further background checks required or permitted by the AusCheck Act or other legislation. Failure to provide this consent, or withdrawing this consent, means an identity check cannot be undertaken.

If an identity check is not undertaken, AusCheck is not required to continue undertaking a background check.

Under the AusCheck Act and AusCheck Regulations, by consenting to the AusCheck Terms and Conditions in the AusCheck online portal and making an application for accreditation in a role requiring a background check, you are taken to have consented for AusCheck to:

- undertake a coordinated background check and your identity being verified;
- provide your organising body and/or its agent with additional information regarding any criminal offence which may include, but is not limited to:
 - the date of offence;
 - the court where proceedings took place;
 - the state/territory where the offence took place;
 - the offence you were convicted of; and
 - the outcome of those proceedings including the sentence and length of prison term.
- Update identity metadata for the purpose of correcting errors which may otherwise inhibit or prevent the digital verification process.

If you are under 16 years of age, your parent or legal guardian will be required to provide written consent for the background check to be undertaken. Failure to provide this consent or withdrawing this consent means a background check cannot be undertaken.

Where can I get more information?

View the [Department's Privacy Policy](#).

You can find the following information in our Privacy Policy:

- how to access or seek correction of personal information about you that is held by the Department, and
- how you may complain about a breach of the Australian Privacy Principles and how complaints are dealt with.

The AusCheck section of the Cyber and Infrastructure Security Centre website has more information about:

- 'spent convictions';
- how your personal information will be used and secured;
- to whom your personal information may be disclosed;
- your rights to access and correct your personal information;

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- your rights to complain about any suspected breach of your privacy;
- how your personal information is secured by AusCheck;
- the background checking process; and
- legislation relating to AusCheck.

Visit the [AusCheck website](#)

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

How to contact us

You can contact AusCheck by phoning 1300 287 243 or via email through AusCheck@homeaffairs.gov.au

AusCheck Terms and Conditions

Number	Terms and conditions
1.	I have read and understood the AusCheck Privacy Notice.
2.	I consent to AusCheck conducting a background check for the organising body and/or its agent and communicating the result of that check through the email provided in the application.
3.	I am authorised to provide the personal information presented and I consent to my identity being confirmed with the document issuer or official record holder.
4.	I understand and accept that convictions for offences do not become spent for the purposes of assessing this application (see paragraph 85ZZH(k) of the <i>Crimes Act 1914</i> and Schedule 2 to the Crimes Regulations 2019).
5.	Upon request by the organising body and/or its agent, I will provide additional information regarding any criminal offence, which may include (but is not limited to): the date of the offence; the state/territory the offence occurred; the court where proceedings took place; the offence I was convicted of; and the outcome of proceedings.
6.	I agree to AusCheck updating identity metadata for the purpose of correcting errors which may otherwise inhibit or prevent the digital verification process.
7.	To the best of my knowledge the information contained in this application is true, accurate, up-to-date and complete.
8.	I understand that knowingly or recklessly making a false or misleading statement in this application is a serious offence and I may be subject to adverse administrative action.
9.	I understand that if I am under 16, my parent or legal guardian will be required to provide written consent for the background check to be undertaken.
<input type="checkbox"/>	I understand and agree to the terms and conditions.