



This information form explains the authority of the Department of Immigration and Border Protection (the department) to collect your personal identifiers. It outlines why a personal identifier can be collected, how it may be collected, how it may be used, how it is protected and how it may be disclosed. This information form should be read in conjunction with form 1442i *Privacy notice* for general information on the collection, use and disclosure of personal information more broadly.

The department has authority under the *Migration Act 1958* (the Migration Act) to collect a range of personal identifiers from citizens and non-citizens, including citizens and non-citizens entering and departing Australia, visa applicants and other non-citizens in the Australian community and persons in immigration detention.

The department also has the authority under the *Australian Citizenship Act 2007* (the Australian Citizenship Act) to collect a range of personal identifiers from persons applying for Australian citizenship and evidence of Australian citizenship, seeking renunciation of their Australian citizenship, and for persons sitting the citizenship test.

What personal identifiers can the department require?

Under the Migration Act, a citizen or a non-citizen may be required to provide the department with personal identifiers.

Under the Australian Citizenship Act, a person seeking to sit the citizenship test must provide a photograph to the department or allow a photograph to be taken of them.

Otherwise under the Australian Citizenship Act, a person is not obliged to provide a personal identifier to the department following a request for one. However, the information from a personal identifier can be used by the Minister to make a decision about a person's identity. The Minister must not approve a person becoming an Australian citizen unless the Minister is satisfied of the person's identity. If an applicant fails to provide the personal identifiers requested, the Minister may not be able to be satisfied of the applicant's identity.

For the purposes of the Migration Act and the Australian Citizenship Act, a 'personal identifier' is defined to mean any of the following (including any of the following in digital form):

- fingerprints or handprints of a person (including those taken using paper and ink or digital live scanning technologies);
- a measurement of a person's height and weight;
- a photograph or other image of a person's face and shoulders;
- an audio or a video recording of a person (*Migration Act only*);
- an iris scan;
- a person's signature;
- any other identifier prescribed by the Migration Regulations 1994 or the Australian Citizenship Regulations 2007 (whichever is relevant), other than an identifier the obtaining of which would involve the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914* (provided it meets the description of an image, measurement or recording of an external part of the body).

How will the department obtain your personal identifier?

Biometric information (personal identifiers) may be collected and/or verified from individuals:

- at airports when traveling;
- who are visa applicants, including protection visa applicants;
- who are immigration detainees;
- who are Australian citizenship applicants.

For more information on the department's biometric initiatives, refer to Fact sheet *Biometric Initiatives*, which is available from the department's website

www.border.gov.au/about/corporate/information/fact-sheets/84biometric

Photos and signatures will continue to be the main personal identifiers collected from most visa applicants, who will generally be able to provide these personal identifiers to the department by attaching a photograph to the visa application form and signing it. For some visa applications no personal identifiers will be required, while from some non-citizens additional personal identifiers may be required.

All citizenship applications will continue to request photographs and signatures as the main types of personal identifiers.

Citizenship applicants will generally be able to provide these personal identifiers to the department by attaching an endorsed photograph to the application, and then signing the application.

Why does the department collect personal identifiers?

The department has authority under the Migration Act and the Migration Regulations 1994 to collect personal identifiers for the following reasons:

- identification and authentication of identity;
- improving the integrity of Australia's entry programs, including passenger processing at Australia's border;
- facilitating a visa-holder's access to their rights under the Migration Act or the regulations;
- improving the department's procedures for determining visa applications and protection claims;
- enhancing the department's ability to identify non-Australian citizens who have a criminal history or who are of national security or character concern;
- combating identity and document fraud in immigration matters;
- detecting forum shopping by applicants for visas;
- ascertaining whether protection visa applicants or offshore entry persons making claims for protection have had sufficient opportunity to avail themselves of protection before arriving in Australia;
- to assist in determining whether a person is an unlawful non-citizen or a lawful non-citizen;
- complementing anti-people smuggling measures;
- satisfying home governments of the identity of removees and deportees.

The department also has the authority under the Australian Citizenship Act and Citizenship Regulations to collect personal identifiers for the following purposes:

- identification and authentication of identity;
- combating identity and document fraud in citizenship matters.

This allows, for example, the department to identify you for the purposes of sitting a citizenship test.

Important information about privacy

Your personal information is protected by law, including the *Privacy Act 1988* (the Privacy Act). Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information such as personal identifiers, is contained in form 1442i *Privacy notice*. Form 1442i is available from the department's website

www.border.gov.au/allforms/ or offices of the department. You should ensure that you read and understand form 1442i.

To whom can the department give your personal identifying information?

The department has authority under the Migration Act and the Australian Citizenship Act to disclose your personal identifiers and related information to other agencies (Australian and overseas) in certain circumstances for the following purposes:

- data-matching in order to achieve certain outcomes (for example, to combat identity fraud) (*Migration Act only*);
- data-matching to identify or authenticate the identity of a person. For instance, where you apply for a travel document from the Department of Foreign Affairs and Trade (DFAT), the department will forward to DFAT:
 - your facial image (if available);
 - personal and visa related information; and
 - details of your travel document (if available);
- administering or managing the storage of identifying information;
- making the information available to specified foreign governments, bodies of a foreign country, international organisations and bodies of the Commonwealth, a state or a territory for one or more of the purposes set out in section 336F of the Migration Act (*Migration Act only*);
- making the information available to the person to whom it relates;
- to an agency of the Commonwealth or of a state or territory in order to verify that person's citizenship or visa status;
- reasonably necessary for the enforcement of criminal law;
- exchanging identifying information under an arrangement with an agency of the Commonwealth, a state or territory or an agency of the state or territory under an arrangement for the exchange of identifying information;
- making the information available to a proceeding before a court or tribunal relating to the person to whom the identifying information relates;
- relating to an investigation by the Australian Information Commissioner or Ombudsman relating to an action taken by the department;
- relating to an inquiry by a prescribed body (for example, the Human Rights and Equal Opportunity Commission or the Australian National Audit Office) (*Migration Act only*);
- to identify the person whose identifying information it is;

- to locate the person whose identity information it is (*Migration Act only*);
- for the purposes of citizenship or migration legislation;
- for a purpose where the department has your written consent;
- required by Australian law.

The department is authorised under the Migration Act to collect a range of personal identifiers including a facial image, fingerprints and a signature, from non-citizens, including from visa applicants. The department requires personal identifiers to assist in assessing your identity. The department is authorised to disclose your personal identifiers and information relating to your name and other relevant biographical data to a number of agencies including law enforcement and health agencies and other agencies who may need to check your identity with this department. Where the department obtains personal identifiers they will become part of your official record with the department.

The department is involved in international information exchanges with a number of countries pursuant to international agreements. These information exchanges may involve the sharing of personal identifiers, including facial images and fingerprint data. For an up to date list of the countries which Australia has agreements with, refer to Fact sheet *Biometric Initiatives*, which is available from the department's website www.border.gov.au/about/corporate/information/fact-sheets/84biometric

If, as a result of this sharing between countries, there is a match with your personal identifiers, the department will disclose your biographical data, copies of travel and other identity documents or information from such documents, your immigration status and immigration history (which may include any immigration abuse and offences) and any criminal history information relevant to immigration purposes. The purpose of such disclosure would be to help confirm your identity and determine if you have presented to the department and the other agency under the same identity and with similar claims.

If you are making an offshore humanitarian or protection visa application, the department will only disclose this information if none of these countries is a country of claimed persecution and only if the department is reasonably satisfied that this information will not be disclosed to your country of claimed persecution, unless:

- you have requested or agreed to return to the foreign country in respect of which your application or claim is made; or
- your application for a protection visa has been refused and the application is finally determined (within the meaning of subsection 5(9) of the Act); or
- you are an offshore entry person who makes a claim for protection under the Refugees Convention as amended by the Refugees Protocol, and is found not to be a person to whom Australia owes obligations under the Refugees Convention as amended by the Refugees Protocol.

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 the department or copies of personal documents on your file which you have provided to the department or that the department has 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.

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

Amendment or annotation of your personal information

If you are seeking an amendment or annotation of your personal information held by 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.border.gov.au/allforms/

Correction and associating a statement

You can ask the department to correct the personal information it holds about you if you think that the information is incomplete, incorrect, out of date or misleading, and has been, is being, or is available to be used for an administrative purpose, and does not give rise to any questions about your identity.

How the department corrects or associates a statement on a record depends on a number of circumstances. More information about those circumstances is available from the department's website

www.border.gov.au/about/access-accountability/privacy

Your rights

If you believe the department has wrongly collected or handled your information, you can complain to the privacy officer at any office of the department. 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 Australian Information Commissioner or to the Commonwealth Ombudsman's Office. The Australian Information Commissioner or the Ombudsman Officer 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 Australian Information Commissioner at:

GPO Box 5218
SYDNEY NSW 2001

Or call the free privacy hotline – 1300 363 992.

Or you can write to the Commonwealth Ombudsman's Office at:

GPO Box 442
CANBERRA ACT 2601
Telephone: (02) 6276 0111

Interpreter assistance

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

Home page **www.border.gov.au**

General enquiry and citizenship information lines

Telephone **131 881** or the Citizenship information line on **131 880** 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.

