

ASIC Conditions of Use

The applicant agrees to comply with the following conditions:

- The ASIC is to be prominently displayed in the approved manner when entering, remaining in or leaving a Security Restricted Area.
- The ASIC is to be presented for inspection on demand:
- Loss of ASIC is to be reported immediately to Airport Services (08 9478 8454), followed by a Statutory Declaration.
- The ASIC is to be surrendered on expiry, transfer or termination of present duty, or on request by Perth Airport
- Under no circumstances is the ASIC to be given to any other person.
- The ASIC may only be used in the course of the applicants approved duties in the Security Restricted Area and it does not constitute an authority to enter or remain in the Security Restricted Area for any other purpose.
- The applicant must ensure that no person tailgates them into a Security Restricted Area.
- Access to Customs Controlled Areas will be limited to those areas where an authorised person has legitimate commercial or official activities unless otherwise approved by Perth Airport. Airport employees (authorised persons) **who are of duty** from their normal employment **and / or are not engaged in their normal commercial or official activities** are not authorised to enter a Customs Controlled Area.
- If there is any change in circumstances to any part of this application, Airport Services are to be notified immediately.
- The applicant is required under Regulation 6.41 of the Aviation Transport Security Regulations 2005 to notify Perth Airport within 7 days if they have been convicted of an aviation security relevant offence.
- The ASIC is issued subject to the Airports Act 1996, Aviation Transport Security Act 2004 and the Aviation Transport Security Regulations 2005 and the applicant must ensure full compliance with these Regulations as an ASIC Holder.
- The applicant acknowledges that their belongings and vehicle may be subject to a search by an Authorised Person before entering or while within a Security Restricted Area.
- The ASIC remains the property of Perth Airport at all times.
- If the applicant is not an employee of Perth Airport, the applicant represents that they have the authority of their employer to enter into this contract on behalf of themselves and the employer. The applicant and the employer have agreed to be bound by the above Conditions of Use and be responsible for any breached of the Conditions of Use by the holder of the ASIC.
- Any breach of the Conditions of Use may result in the suspension or cancellation of the applicant's ASIC.

Perth Airport Privacy Notice

1. For Perth Airport Pty Ltd (Perth Airport) to determine whether it can issue you with an ASIC under the Aviation Transport Security Regulations 2005 (Cth), Perth Airport needs to:
 - (a) collect certain personal information about you (as disclosed by you in the ASIC application form and as disclosed to Perth Airport by AusCheck or other government departments or agencies);
and
 - (b) disclose personal information provided by you to various third parties.
2. The third parties to whom Perth Airport may disclose the personal information provided by you in accordance with paragraph 1 (a) may include AusCheck (to coordinate a background check through ASIO), CrimTrac, the Australian Border Force, the Civil Aviation Safety Authority, Department of Home Affairs, other government departments or agencies, Perth Airport's representatives and your employer. Any or all of those parties may disclose that information to each other. Perth Airport also collects any personal information disclosed to it by those third parties (e.g. the results of the background check coordinated by AusCheck).
3. If you apply for an Access Control Card or access permissions on your ASIC, Perth Airport may require you to disclose certain biometric data (e.g. fingerprints and/or iris scans) in order to authenticate your identity at access points. The use of the access permissions contained on your ASIC and your activities at the Airport may also result in Perth Airport collecting personal information about you (e.g. electronic records of your access to various parts of the Airport or use of certain facilities and CCTV footage of you).
4. Perth Airport may use personal information which it collects about you for the purpose of its operation and management of Perth Airport, including to assess, investigate or respond to any actual or potential operational, safety or security matters at the airport. Perth Airport may disclose this information to law enforcement agencies, government departments and agencies, its advisers and your employer.
5. By making this application you consent to Perth Airport collecting, using and disclosing your personal information as set out above. If you refuse to provide us with the required personal information, Perth Airport cannot process your ASIC application or provide you with swipe card access to areas of the Airport.
6. Except where precluded by the Privacy Act 1988, you can access the personal information Perth Airport holds about you by contacting Perth Airport on (08) 9478 8888. Further information about the way that Perth Airport handles personal information is set out in Perth Airport's Privacy Statement, which can be viewed on our website (www.perthairport.com.au) or by requesting a copy from Perth Airport.

AusCheck Privacy Notice – August 2018

The Department of Home Affairs (the Department) includes the Australian Border Force. The *AusCheck Act 2007* (AusCheck Act) authorises and requires the Department to collect certain personal information to administer the AusCheck scheme.

The *Privacy Act 1988* 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.

This document explains:

- what personal information is collected from you when an application for a background check is made in connection with you being issued or holding an Aviation Security Identification Card (ASIC),
- how your personal information will be used, and
- where you can find more information.

What is personal information?

The *Privacy Act 1988* defines personal information as information or an opinion about an individual who is reasonably identifiable.

Under the *Privacy Act 1988* 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, religion and philosophical beliefs, trade or professional associations or memberships, union membership, sexual orientation or practices, criminal history, health, genetic and biometric information.

Why is my personal information being collected?

Under the *Aviation Transport Security Regulations 2005*, a person must undergo an AusCheck coordinated background check before they can be issued with an ASIC. AusCheck requires some of your personal information in order to conduct this background check. Your Issuing Body will apply to AusCheck for a background check on your behalf.

Applicants and cardholders are required to notify their Issuing Body of any changes to their name. You can update your details with AusCheck at any time by either contacting your Issuing Body or AusCheck.

Consent

Under the AusCheck Act, by accepting this Privacy Notice and making an application for an ASIC, you are taken to have consented to an AusCheck coordinated background check.

This consent applies to the initial background check required as part of your ASIC application, as well as any further background checks required or permitted by the AusCheck Act or other legislation. This includes a background check requested by the Secretary of the Department.

In circumstances where you are a holder of an ASIC and you are convicted of an aviation security relevant offence you have a legal obligation to self-report this conviction. In order to continue holding an ASIC an additional AusCheck coordinated background check will need to be undertaken. This will only be undertaken if you provide further consent for this process.

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

What personal information is being collected about me?

Your Issuing Body will collect the information that AusCheck requires to conduct a background check.

The information that AusCheck requires includes:

- the details of identification documents to enable the electronic verification of these documents, for example your birth certificate registration number
- **identity information:** your full name, date and place of birth, gender, any other names by which you are known or have previously been known, contact details, current residential address, and all other previous residential addresses for the past 10 years

- a recent (that is, taken within 6 months) **photograph** showing your full face, and head and shoulders
- **work and study information:** the name, telephone number and business address of your employer and/or the name and business address of the institution where you are studying, and
- **other information:** AusCheck may also need additional information in order to confirm your identity, such as fingerprints or other biometric data.

If an immigration check is requested by your Issuing Body, AusCheck will also need your **immigration information:**

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

Biometric data is defined as ‘identity verification information’ in the AusCheck Act and includes data such as your fingerprints. 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.

If your Issuing Body or employer has asked you for any additional personal information, you should contact them to clarify why that additional information is required.

How will my personal information be used?

AusCheck will only use your personal information for purposes permitted by law, including:

- 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 initial advice was inaccurate or incomplete (this may involve a new background check)
- verifying the identity of an individual
- providing an online card verification service that will verify if an ASIC has already been issued and its status
- responding to a national security incident, and
- law enforcement or national security purposes.

Your personal information will be stored in the AusCheck database for these permitted purposes. Your personal information will be used and stored securely in accordance with the Australian Privacy Principles. AusCheck will conduct and coordinate a background check using the information you provide to your Issuing Body. That information may also be used to conduct subsequent background checks (see ‘consent’ above). The outcome of these background checks affects your eligibility to be issued and to hold an ASIC.

When conducting a background check, AusCheck will disclose your personal information to the following Commonwealth Government agencies:

- **The 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 as required for national security purposes.
- **The 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 the offence occurred to directly query your criminal record. The ACIC may also use your information to perform functions related to law enforcement purposes, including those purposes set out in the Australian Crime Commission Act 2002.

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

AusCheck will disclose your personal information 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.

If you are under 18 years of age, AusCheck will only conduct the security assessment component of the background check. AusCheck will only provide your personal information for other purposes where specifically required or permitted by law.

If you are under 14 years of age, your parent or legal guardian will be required to provide written consent to your Issuing Body for the background check to be undertaken.

What happens after my background check is complete?

AusCheck will use the results of these checks to advise your Issuing Body or the Aviation Maritime Security Division (AMS) whether you:

- have an 'adverse', or 'qualified' criminal record
- have an 'adverse' or 'qualified' security assessment, and/or
- have the right to work in Australia.

If you have applied for an ASIC and have a qualified criminal history, your Issuing Body has discretion about whether to issue you an ASIC on the basis of your criminal record. AusCheck will provide your Issuing Body with the details of your convictions for aviation security relevant offences to assist them when making this decision.

If you have applied for an ASIC and have an adverse criminal history, your Issuing Body must not issue you an ASIC.

If you have applied for an ASIC and you have an adverse security assessment, your Issuing Body must not issue you an ASIC.

If you have applied for an ASIC and you have a qualified security assessment, AMS has discretion on whether your Issuing Body can issue you an ASIC. Your security assessment will be provided to AMS to assist them when making this decision.

If you have applied for an ASIC and you do not hold a visa entitling you to work in Australia, your Issuing Body must not issue you an ASIC.

AusCheck will keep your personal information on the AusCheck database. Issuing Bodies, certain industry participants, 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.

Spent convictions

A spent conviction is a criminal conviction that lapses after a period of time and will not ordinarily be disclosed on a person's criminal record. The Commonwealth spent convictions scheme is contained in Part VIIC of the *Crimes Act 1914* (Cth) and limits the use and disclosure of certain criminal history information. AusCheck will not be provided with, and will not use or disclose, information about a conviction which is 'spent' (unless an exclusion applies – see below). This includes convictions that have been quashed or set aside, or for which a pardon has been granted.

A conviction is a 'spent conviction' under the Commonwealth spent convictions scheme 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 scheme if it is considered a 'spent conviction' under a state or territory law. Note that AusCheck is exempt from the application of the South Australian spent convictions scheme.

Some exclusions apply to persons applying for an ASIC. This means that the details of convictions for certain aviation and maritime-security-relevant offences will be given to AusCheck and used and disclosed in relation to the background check even if they are 'spent'.

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

Where can I get more information?

The AusCheck section of the Home Affairs website has more information about:

- 'spent convictions'
- how your personal information will be used
- to whom your personal information may be disclosed
- your rights to access and correct your personal information
- your rights to complain about any suspected breach of your privacy
- how your personal information is secured by AusCheck
- the background checking process
- the decision-making process and considerations
- processing times and outcome notification
- discretionary cards
- appeal processes

- obligations to self-report, and
- legislation relating to AusCheck.

You can see the website at:

www.homeaffairs.gov.au/about/crime/auscheck/.

You can contact an AusCheck staff member with any questions or complaints on (02) 6141 2000 or at AusCheck@homeaffairs.gov.au.

Document Verification Service Privacy Notice

The Document Verification Service (DVS) confirms that the details on an evidence of identity document match records held by the government authority that issued it.

For example, the following Australian evidence of identity credentials can be matched through the DVS:

- birth certificates
- Centrelink concession Cards
- certificates of registration by descent
- change of name certificates
- citizenship certificates
- driver licences
- ImmiCards
- marriage certificates
- Medicare cards
- passports
- visas.

AusCheck uses the information provided in the application form to verify identity information using DVS.

By lodging an application form you consent to DVS comparing and confirming your identifying information with government records. Information may be further disclosed to the document issuer or official record holder via third party systems.