



This information form explains the authority of the Department of Home Affairs (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, and how it may be disclosed.

Personal identifiers are also personal information under the *Privacy Act 1988*. This information form should be read in conjunction with the following for information on the collection, use and disclosure of personal information more broadly:

- form 1442i *Privacy notice* available from the Department's website at <https://immi.homeaffairs.gov.au/form-listing/forms/1442i.pdf>
- the Department's Privacy Policy available at <https://www.homeaffairs.gov.au/access-and-accountability/our-commitments/privacy>

The Privacy Policy contains information about:

- how you may access personal information held by the Department about you
- how you can seek the correction of such information
- how you may make a complaint about a breach of the Australian Privacy Principles, and how the Department deals with such a complaint.

## Collection

### What are personal identifiers?

For the purposes of the *Migration Act 1958* (the Migration Act) and the *Australian Citizenship Act 2007* (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).

Personal identifiers can also fall under the definition of identifying information under Migration Act where they are obtained for a purpose referred to in 5A(3) of the Migration Act, or the Australian Citizenship Act where they are obtained under Division 5, Part 2 of Citizenship Act.

### Collection of personal identifiers authorised by law

Under the Migration Act, a citizen or a non-citizen may be required to provide the Department with personal identifiers. The Department has authority under 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 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.

### How will the Department obtain your personal identifier?

Personal identifiers may be collected from individuals:

- at airports when traveling
- at seaports from travelers and maritime crew
- who are visa applicants, including protection visa applicants
- who are immigration detainees
- who are Australian citizenship applicants
- who are non-citizens in the Australian community.

For more information on the Department's biometric (photograph of your face and fingerprint scan) initiatives, refer to the Department's website at

<https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/biometrics>

### The purpose for which we collect your 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 *Australian Citizenship Regulations 2016* 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.

## Disclosure

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
  - 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 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
- where required by Australian law.

## Disclosure to overseas recipients

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 further information refer to the Department's website at

<https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/biometrics>

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
- your application for a protection visa has been refused and the application is finally determined (within the meaning of subsection 5(9) of the Migration Act)
- 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.

## Other information

### 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.homeaffairs.gov.au](http://www.homeaffairs.gov.au)**

*General enquiry line* Telephone **131 881** 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.