

Why is my personal information being collected?

Under the Security Sensitive Biological Agent (SSBA) Standards a person must undergo a National Health Security check before they can be authorised to handle Tier 1 SSBAs, access the facility where Tier 1 SSBAs are handled or access sensitive information relating to Tier 1 SSBAs. Entities handling Tier 2 SSBAs may choose to require authorised persons to undergo an NHS check prior to becoming authorised.

AusCheck requires personal information about you in order to conduct an NHS check on you.

What is AusCheck?

AusCheck is a specialised national security background checking unit within the Commonwealth Attorney-General's Department.

What personal information is being collected about me?

Your Registered Entity (entity) or employer will collect the information that AusCheck requires.

The information that AusCheck requires to conduct an NHS check consists of:

- **identity information:** your name, date and place of birth, gender, any other names, your current/previous residential address, and current contact details, and
- **work information:** your employer's contact details.

Your entity will also need a photograph of you, which will be supplied to AusCheck for the AusCheck database.

Any other personal information that your entity requests is for their own purposes, not for AusCheck's purposes. If you have any concerns, you should ask your entity to explain why they need that extra information about you.

How will my personal information be used?

AusCheck will coordinate an NHS check, by using the information that you provide to ask the following Government agencies for information about you:

- The Australian Security Intelligence Organisation (ASIO): ASIO will conduct a counter-terrorism check.
- CrimTrac Agency: CrimTrac will check your criminal history in the databases of all Australian police services and supply details of releasable criminal history information to AusCheck. CrimTrac will not use your information for any other purpose.

Supplying your personal identity and work information helps ensure that only information concerning you is attributed to you in the checking process.

AusCheck will use the results of these checks to advise your entity whether or not you are 'eligible', 'not eligible' or have a 'qualified' eligible status. AusCheck will only provide the information necessary for your entity to decide whether or not you meet the criteria to become an authorised person. Your entity will not receive a copy of your security assessment. Your entity will receive a copy of your criminal history information, only if you receive a result of 'qualified'.

In that circumstance your entity will receive an extract of the relevant health security related offences to allow them to make a decision about whether or not you may become an authorised person.

AusCheck will also keep your personal information and photograph on its database. The database can be accessed by entities, inspectors for the SSBA Regulatory Scheme (where access is provided by entities) and Commonwealth Government authorities that have functions relating to law enforcement or national security.

Spent convictions

The aim of the Commonwealth 'spent convictions' legislation (*Part VIIC of the Crimes Act 1914 (Cth)*) is to prevent discrimination on the basis of certain previous criminal convictions and findings of guilt concerning a Commonwealth, State, Territory or foreign offence. The legislation limits the use and disclosure of older, less serious convictions and findings of guilt. 'Spent convictions' also include convictions and findings of guilt that have been quashed or set aside or where a pardon has been granted.

A conviction is considered a 'spent conviction' if:

- it is 10 years since the date of the conviction (or 5 years if you were a child at the time of your conviction), and
- you were sentenced to fewer than 30 months (2 ½ years) imprisonment (or you were not imprisoned at all), and
- you have not re-offended during the 10 year waiting period (or 5 years if you were a child at the time of your conviction), and
- an 'exclusion' does not apply.

There are a few exclusions that apply to you, as a person applying for an NHS check. This means that the details of some convictions of health security relevant offences will be released to AusCheck and used in its assessment of you, because such convictions are specifically 'excluded' from the protection of the 'spent convictions' scheme for the purposes of the NHS check.

All other 'spent convictions' are considered irrelevant to your application and will not be provided to AusCheck.

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

Transfer of check result

Under the *Security Sensitive Biological Agent Standards*, you can consent to an existing NHS check with a result of 'eligible' or 'qualified' conducted in connection with one entity being taken into account by another entity when deciding whether to give you an authorisation. However, an entity can only provide an authorisation based on a qualified check result within the last 12 months, if you have chosen to consent to that entity being advised on whether you have been convicted of a health security relevant offence and the details of any such convictions.

Where can I get more information?

The *AusCheck Privacy Policy* has more information about:

- 'spent convictions'
- how your personal information will be used
- whom your personal information may be disclosed to
- your rights to access and correct your personal information, and
- how your personal information is secured by AusCheck.

You can see the *AusCheck Privacy Policy* at: http://www.ag.gov.au/www/agd/agd.nsf/Page/Nationalsecurity_BackgroundChecking_AusCheckPrivacyPolicy or to obtain a hardcopy call the Attorney-General's Department Privacy Officer on (02) 6141 6666.



Australian Government
Attorney-General's Department
AusCheck

AusCheck Privacy Notice

This brochure explains:

- what personal information is collected about you when you apply for a National Health Security (NHS) check
- how your personal information will be used, and
- where you can find out more information.