



Privacy Notice Customs Broker Licence Application

The Department of Immigration and Border Protection (the Department) is collecting your personal information and the personal information of your associates for the purposes of assessing and determining your application for, and ongoing eligibility to maintain, a Customs Broker Licence.

Failure to provide your personal information or the information requested about third parties associated with you will result in the Department not being able to make a determination as to your entitlement to hold, or maintain, a Customs Broker Licence and may result in you not being eligible to have non-public access to the Department's assets.

The Department will use and disclose the personal information that you provide to undertake relevant background checks in order to identify any factors or personal circumstances that pose an integrity risk to you or the Department. It will assess whether you are suitable for association with the Department or to have access to its non-public assets.

In all cases, the following checks will probably be conducted with Australian and/or overseas persons and authorities, as required:

- corroboration of any previous employment, whether Australian Government or private sector, to determine employment history and any matters relating to code of conduct, service records, discipline records, professional conduct and behaviour in the workplace
- corroboration of any past/present security records, including requesting any personal security file
- corroboration of places of residence
- checks to verify the authenticity and validity of personal and identity documents, including but not limited to:
 - birth, marriage and change of name documentation
 - naturalisation/citizenship/visa documentation and passports, and
 - driver licences and Medicare cards.

The following checks/inquiries may also be made with Australian and/or overseas persons and authorities, as required:

- checks of claimed educational qualifications with relevant institutions
- checks of travel activity, migration related activity and corroboration of overseas travel
- inquiries with financial institutions and others with whom you have financial dealings
- inquiries into criminal associations/associations with groups perceived by the community to be engaged in criminal activity
- inquiries into criminal or unlawful activity you have been or may be engaged in or associated with
- checks of professional associations
- checks of involvement in civil legal proceedings
- checks of criminal and traffic history
- checks of involvement in criminal investigations or proceedings
- inquiries into illicit drug use
- checks of import and export activity
- inquiries into your dealings with the Department
- checks of firearm, driver or other licences
- inquiries with previous employers (your present employer will not be contacted without your specific consent)
- inquiries with nominated and in some cases un-nominated character referees and associates about your general character and/or information about your suitability to hold a Customs Broker licence or association with the Department
- checks/inquiries with other agencies or organisations where, after considering the information you provide for the purposes of applying for and maintaining your ongoing eligibility for a Customs Broker licence, it becomes apparent that the other agency or organisation may be able to contribute information relevant to the assessment of your suitability for association with the Department.
- Publication of Department Notices listing Customs Broker Licence applicants

When conducting these checks/inquiries, the Department will generally only provide the relevant Australian and/or overseas persons or authorities with your identifying information, unless it is necessary in order to conduct the particular check or inquiry to give them other information you have provided for the purpose of applying for and maintaining your ongoing eligibility for a Customs Broker licence.

Each and any of the third parties to whom the Department discloses your personal information will examine their information holdings relating to you and may disclose your personal information or the personal information of your associates to the Department and to each other, where the disclosure is necessary and related to assessing and determining your application for, and ongoing eligibility to maintain a Customs Broker Licence.

A list of licensed Customs Brokers is published on the Department website

For the purposes of assessing and determining your application for, and ongoing eligibility to maintain a Customs Broker licence, the Department may disclose your personal information to, and may collect your personal information from third parties.

These third parties may include but are not limited to:

- Registrars of Births, Deaths and Marriages
- the Australian Federal Police
- State and Territory Police Forces
- the Australian Taxation Office
- the Department of Human Services
- the Australian Criminal Intelligence Commission
- the Australian Security and Intelligence Organisation
- the Australian Government Security Vetting Agency (AGSVA)
- any authorised Documentation Verification Service (DVS) Gateway Service Provider and any identity credential issuing authority connected to the DVS
- other Commonwealth, State or Territory Departments or Agencies including enforcement, regulatory or licence issuing agencies
- road transport authorities (however described)
- your current and previous employers
- your current and previous lessors or managing agents
- your nominated education institutions
- any referee (regardless of whether they are nominated by you)
- your nominated legal representative or any third party who you authorise the Department to communicate with on your behalf
- any financial institutions with which you have had dealings.

The Department may also disclose your personal information to, and may collect your personal information from, overseas persons and authorities in your country or former country of residence or citizenship or a country or countries in which you inform the Department you have business interests. Information may also be disclosed to authorities from other countries, such as law enforcement or customs agencies, in circumstances permitted under the *Privacy Act 1988*. Where, after considering the information you provide, it is determined that checks with authorities from countries other than these countries are necessary before your application can be approved, your specific consent to those checks being undertaken may be sought.

Your personal information, which has been collected as part of determining your suitability to hold a Customs Broker licence, may be used and/or disclosed by the Department or a third party for a purpose that is not directly related to the purpose for which the information was collected, in circumstances where that is permitted under the *Privacy Act 1988* or other applicable law. This could include but is not limited to use or disclosure for the purpose of:

- the AGSVA or other relevant vetting agency confirming if you already hold a security clearance, initiating a security clearance process and/or assessing and determining your application for, and ongoing eligibility to maintain a Commonwealth security clearance
- the Australian Criminal Intelligence Commission, Australian Federal Police and State and Territory Police forces undertaking a National Police History Check in relation to you
- the Australian Security Intelligence Organisation considering a matter that has been identified which may be relevant to national security
- your current employer taking appropriate action in relation to a matter which may relate to an internal disciplinary or administrative issue.

At all times, your personal information will be collected, used, stored and disclosed by the Department in accordance with the Australian Privacy Principles in Schedule 1 of the *Privacy Act 1988*. Further information regarding how the Department handles personal information and your rights to seek access to and correction of your personal information can be found in the Department's privacy policy on the Department's website or by contacting the Department's Privacy Helpdesk by email to privacy@border.gov.au. The Department's privacy policy also contains information about how you can complain about a breach of the Australian Privacy Principles and how the Department will deal with a complaint.

Further information about how the Department deals with personal information can be found under 'Privacy' on the Department website

Consequences for providing false and/or misleading information

You will be asked to certify that all information and supporting documents you have provided to support your application for a Customs Broker licence are correct.

Giving false or misleading information to the Department is a serious offence under Divisions 136.1 and 137.2 of the *Criminal Code Act 1995* (Cth), which is punishable by a period of imprisonment of up to 12 months. This includes omitting to advise the Department of any matter or thing without which the information you provide is misleading.

Providing false or misleading information to the Department may also result in a range of adverse administrative actions being taken. These may include (but are not limited to), a finding that you are not suitable to be granted a Customs Broker licence.

National Police History Check

A national police history check is an integral part of the assessment of your suitability. You should note that the existence of a record does not mean that you will be assessed automatically as being unsuitable. Each case will be assessed on its merit, so it is in your interest to provide full and frank details to support your application for a Customs Broker licence.

Information will be forwarded to the Australian Criminal Intelligence Commission and other Australian police agencies for checking. By signing the general consent form you are consenting to these agencies accessing their records to obtain and disclose police history information that relates to you to the Department.

Police history information may include outstanding charges, and criminal convictions/findings of guilt recorded against you that may be disclosed according to the laws of the relevant jurisdiction and, in the absence of any laws governing the release of that information, according to the relevant jurisdiction's information release policy.

Spent Convictions Scheme

The following information is provided as general guidance and is not exhaustive. The aim of Spent Convictions legislation is to prevent discrimination on the basis of certain previous convictions. Spent convictions legislation limits the use and disclosure of older, less serious convictions and findings of guilt. Spent convictions of specific offences will be released where the check is required for certain purposes regardless of how old the convictions are.

Each Australian police agency will apply the relevant Spent Convictions legislation/information release policy prior to disclosure. If you require further information or clarification please contact the individual police agencies directly for further information about their release policies and any legislation that affects them.

I have spent/old convictions, do I need to disclose these to the Department?

In certain circumstances an applicant is not required to disclose spent/old convictions. This right to not disclose varies depending upon the nature of your conviction, and the jurisdiction in which the spent convictions were recorded. The Department may, where the relevant legislation allows it, access information about spent/old convictions whether or not a prospective applicant for a position voluntarily provides this information to the Department.

If you have convictions in Victoria there is no legislative right that allows you not to disclose your conviction. All Victorian convictions must be disclosed. DIBP can access spent convictions under the Commonwealth Crimes Act 1914, and convictions recorded in South Australia, for the purposes of assessing prospective job applications because the relevant legislation allows it to do so.

You are advised to seek independent legal advice if you think that you may have a spent/old conviction and that you have a right to not disclose this conviction. Please note that people with criminal records are not automatically barred from applying for a licence. Each application will be considered on its merits.

