

Privacy Statement

Your personal information is being collected to assess your ongoing suitability to access official resources and where appropriate, hold and maintain a security clearance. Australian Government official resources include people, information and assets.

Personal information, including sensitive information, may be collected from and disclosed to any entity or people listed in the Privacy Statement to assess your ongoing suitability to access official resources and where appropriate, hold and maintain a security clearance.

Without your personal information, your suitability cannot be assessed. The inability to obtain a security clearance may have an adverse effect on your employment, where it is a condition of engagement to hold and maintain a security clearance.

It is your responsibility to provide accurate information and continue to update your personal information by advising the Archives Security Advisory Unit and the Australian Government Security Vetting Agency (AGSVA) of any changes in circumstances and conflicts of interest.

The security vetting process is intrusive by its nature. However, your privacy and dignity will be respected. If you have any enquiries relating to the *Privacy Act 1988* (Cth), or how your information will be collected, used or disclosed, please email privacy@naa.gov.au.

The Archives recognises and respects your privacy and is committed to the Australian Privacy Principles set out in the *Privacy Act 1988* (Cth). The collection and use of your personal information is required in accordance with the Australian Government's *Protective Security Policy Framework*.

By signing the consent form contained in this pre-employment questionnaire, you consent to the collection, use and disclosure of your personal information as described below and for your Personnel Security File (PSF) to be transferred to AGSVA.

How your information will be collected?

During the security vetting process and while you access official resources and where appropriate, hold an Australian Government security clearance, we may collect personal information, including sensitive information, from:

- your current and previous or future private and Government employers. If you do not consent to your current employer being contacted, please notify the Archives' Security Advisory Unit with the reasons for the denial of consent;
- your referees (both nominated by you and not nominated by you);
- third parties relevant to assessing and monitoring your ongoing suitability to accessing official resources and where appropriate, hold and maintain a security clearance;

- financial institutions and financial checking institutions;
- agencies to confirm residential addresses;
- the Department of Immigration and Border Protection and the Department of Foreign Affairs and Trade to check any naturalisation and/or citizenship documents and international movements;
- medical professionals to clarify any medical conditions, with your consent;
- State and Territory Registries of Births, Deaths and Marriages;
- you directly;
- Human Resource areas;
- the Government agency which has sponsored your security clearance, where applicable;
- Government agencies which have investigated any suspected breaches of law or Australian government policy;
- Australian Federal Police (AFP) and state and territory law enforcement agencies;
- Australian Security Intelligence Agency (ASIO); and
- Educational institutions in relation to education documentation.

Disclosure of your information

During the security vetting process and while you continue to access official resources and where appropriate, hold an Australian Government security clearance, we may disclose your personal information, including sensitive information with:

- you directly;
- the Government agency that has sponsored a security clearance and any previous Government agencies which have employed you or engaged you as a contractor, and any future sponsoring or interested vetting agencies;
- the AFP and state and territory law enforcement agencies;
- financial institutions and financial checking agencies;
- ASIO;
- your previous and current and or future private and/or Government employers; including any employers that you worked for as a contractor. If you do not consent to your current employer being contacted, please notify the Archives' Security Advisory Unit with the reasons for the denial of consent;
- your referees (both nominated by you and not nominated by you);
- Human Resource areas and other third parties relevant to assessing and monitoring your ongoing suitability to access official resources and where appropriate, hold and maintain a security clearance;
- your Personnel Security File (if applicable) from the relevant Commonwealth, State or Territory Agency in relation to any existing or previous security clearances held by you;

- other service providers, such as contracted vetting providers, and medical or psychological practitioners, used during the clearance process;
- agencies to confirm residential addresses;
- the Department of Immigration and Border Protection and the Department of Foreign Affairs and Trade to check any naturalisation and/or citizenship documents and international movements;
- medical professionals to clarify any medical conditions, with your consent; and
- State and Territory Registries of Births, Deaths and Marriages;
- the Government agency which has sponsored your security clearance, where applicable;
- Government agencies which have investigated any suspected breaches of law or Australian government policy;
- Educational institutions in relation to education documentation.

Limited amounts of your personal information may also be disclosed to overseas recipients if you are required to access foreign government resources. The information that may be disclosed includes your clearance status, your full name and date of birth, and your position.

The Archives will not use or disclose your personal information that is collected for the purpose of assessing your ongoing suitability to access official resources and where appropriate, hold and maintain a security clearance, to any other person or organisation, other than those listed above, unless:

- it would be reasonably expected by you that such a disclosure would occur, in relation to your engagement;
- disclosure is required or authorised by or under Australian law or a court/tribunal order;
- a permitted general situation exists in relation to the use or disclosure of the information, as defined in section 16A of the Privacy Act 1988 (Cth); or
- the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Legislative Implications for Information Sharing

Timely, reliable, and appropriate information sharing is the foundation of good government. Information sharing enables better government service delivery and improved policy development through focused interagency collaboration. For Personnel Security, the sharing of information is essential to identify potential areas of risk to agencies from the compromise to agency resources. Information sharing can help prevent and detect a range of threats including the trusted insider. There is ample evidence that trusted insider cases could have been prevented or at least identified had there been greater information sharing between agencies, the vetting agencies and human resource and security areas within agencies.

Legislation that facilitates information sharing

There are a number of legislative instruments that facilitate the sharing of personal information for the purposes of assessing a person's ongoing suitability to access official resources and where appropriate, hold and maintain a security clearance.

- Privacy Act 1988 (Cth);
- Public Service Act 1999 (Cth); and
- Human rights and anti-discrimination legislation

Privacy Act

The Privacy Act facilitates the sharing of personal information when informed consent has been provided by the individual. This includes the sharing of information relating to matters raised in confidence such as relationship breakdowns, financial stress, and drug and alcohol addiction.

Public Service Act

The Public Service Act 1999 (PS Act) facilitates the sharing of personal information through Regulation 9.2 of the Public Service Regulations 1999 (Cth). Regulation 9.2 is only applicable to persons employed under the PS Act. Regulation 9.2 was drafted with the intention to allow certainty for Australian Public Service agencies as to the circumstances in which they may disclose personal information about their employees to other agencies, and the circumstances in which they may legitimately use personal information about employees within an agency.

Regulation 9.2 provides that personal information may be shared within an agency, if it is necessary for, or relevant to, the performance or exercise of the employer powers of the agency. This means, the human resources area within an agency can share relevant personal information with the security area of an agency, as holding a security clearance is relevant to the performance of the employer powers of the Agency Head.

Human Rights and anti-discrimination legislation

Human rights and anti-discrimination legislation does not prevent the sharing of personal information, including information relating to medical and mental illness.

Sharing personal information does not breach anti-discrimination legislation. Section 15 of the Disability and Discrimination Act 1992 (Cth) includes general prohibitions against discrimination in work on grounds of disability, including mental health. However, the prohibition is subject to exceptions, where a person would be unable to carry out the inherent requirements of the particular job. Any action taken must be in reference to the inherent requirements of the particular job, including the employee's suitability to access Australian Government resources. All security clearance decisions are administrative decisions and as such can be reviewed.