



Privacy Policy

1. About this policy

- 1.1 The Administrative Appeals Tribunal ('AAT', 'we' or 'us') handles personal information in accordance with the *Privacy Act 1988* (Privacy Act) and the Australian Privacy Principles (APPs) set out in the Privacy Act. The APPs specify how we must collect, use, disclose, ensure the quality of, and secure personal information. They also set out your rights to access and seek correction of your personal information.
- 1.2 This policy outlines the AAT's personal information handling practices, including how to make a complaint about the way we have handled your information.

2. Collection of personal information

- 2.1 We only collect personal information where that information is reasonably necessary for, or directly related to, our functions or activities. These include:
 - dealing with applications made under the *Administrative Appeals Tribunal Act 1975* (AAT Act) and the *Migration Act 1958* (Migration Act), primarily for review of administrative decisions
 - arranging and managing examinations under the *Proceeds of Crime Act 2002* (Proceeds of Crime Act)
 - managing employment and personnel matters, particularly in relation to our members, staff and contractors
 - managing enquiries, complaints and freedom of information and privacy requests
 - informing the public about AAT decisions and other developments at the AAT through our alert services
 - facilitating the general administration of the AAT, including consultation and liaison in relation to the AAT's practices, procedures and operations, procuring goods and services, and undertaking quality assurance activities.
- 2.2 We only collect sensitive information:
 - with your consent
 - when it is required or authorised under the AAT Act or another Australian law, or
 - when it is otherwise permitted under the Privacy Act.
- 2.3 We might collect and hold information about you if you are:
 - a party to an application under the AAT Act or the Migration Act, the representative of a party, a witness or prospective witness, a person summoned to produce documents or a person otherwise referred to in documents lodged with us or in oral evidence given to us

- a person who is the subject of an examination notice under the Proceeds of Crime Act, the representative of an examinee or a person otherwise referred to during examinations or in documents produced for the purpose of examinations
- an AAT member, an AAT staff member, a contractor providing services to the AAT or an applicant for employment with the AAT
- a person who contacts us to make a complaint or a request, or otherwise provides information to, or seeks information from, us.

2.4 We mainly collect personal information directly from you or, if you are a party to an application, from your representative. However, we also routinely collect information from other individuals and organisations, including other Australian Government departments and agencies, and publicly available online sources on the basis that:

- this is required or authorised under the AAT Act, the Migration Act or another Australian law, or
- it is unreasonable or impracticable to collect it from you.

Kinds of personal information that we collect and hold

2.5 The personal information we collect and hold varies depending on what we require to perform our functions and responsibilities. If you are involved in an application for a review of a decision, it varies depending on the type of decision we are reviewing.

2.6 The information we collect might include:

- information about your identity (e.g. name, gender, date of birth, country of birth or citizenship, passport or visa details)
- your address and contact details (e.g. residential or business address, telephone number, email address or fax number)
- information about your personal circumstances (e.g. age, marital status, family and personal relationships, or your need for an interpreter and the relevant language)
- information about your education or employment (e.g. educational or professional qualifications, occupation, work history, referee comments or remuneration)
- information about your business or financial affairs (e.g. bank account details, business interests and financial circumstances and history).

2.7 We might also collect sensitive information about you, including information about:

- your racial or ethnic origin
- your political opinions or membership of a political association
- your religious beliefs or affiliations, or philosophical beliefs
- your membership of a trade or professional association, or a trade union
- your sexual orientation or practices
- your criminal record
- your physical and mental health (including information about your medical history and any disability or injury you have).

Information collected through our website

2.8 We also use Google Analytics, a web analytics service provided by Google Inc. (Google) to help analyse how our website is used. Google has its own Privacy Policy. You can opt out of Google Analytics by using Google's opt-out service.

2.9 When you visit our website Google Analytics records information, including:

- the network or service provider you use to access our website
- your device, operating system and browser
- the search terms you used to find our website
- the previous site that you visited
- the pages accessed and documents downloaded.

This information is anonymous and is used to analyse traffic and computer system patterns for the purpose of improving our website.

2.10 For auditing purposes, our webserver may also log information such as your IP address, the time and date, and the resources you accessed.

2.11 No attempt will be made to identify users or their browsing activities, except in the event of an investigation by a law enforcement agency.

2.12 We do not record your identity or email address unless you choose to give it to us or otherwise send us a message using one of our online forms.

2.13 Applications to the AAT can be made online. Documents can also be submitted online. Personal information collected through these online systems is handled in accordance with this policy.

2.14 We use Campaign Monitor, an email distribution company, to enable individuals to subscribe and receive emails with information about the AAT, including recent decisions and other developments at the AAT. Campaign Monitor ensures that all subscriber lists are confidential and are not used for any other purpose. Campaign Monitor may record your location when you access information hosted on it. You can opt out of this by selecting the “Do not track” option when signing up or at a later date.

3. Use and disclosure of personal information

3.1 We use and disclose your personal information for the purpose for which it was collected and will only use or disclose it for another purpose where this is permitted under the Privacy Act. In general, we do not use or disclose your personal information for another purpose unless one of the following applies:

- you have consented
- you would reasonably expect us to use or disclose the information for that other purpose and it is either related or, in the case of sensitive information, directly related to the purpose for which it was collected
- it is required or authorised by or under an Australian law or a court/tribunal order
- it is necessary to lessen or prevent a serious threat to somebody’s life, health or safety, or to public safety
- it is reasonably necessary for an enforcement related activity conducted by, or on behalf of, an enforcement body (e.g. the Australian Federal Police or the Office of the Migration Agents Registration Authority), or
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, which relates to our functions or activities has been, is or may be, engaged in, and we believe that the use or disclosure is necessary in order to take appropriate action.

3.2 On occasion, we might use personal information we collected from you to seek your feedback on our operations, including inviting you to participate in a survey.

- 3.3 AAT personnel have access to your personal information on a need-to-know basis. Only personnel with the appropriate level of clearance can access classified material.

Use and disclosure of personal information related to an application to the AAT

- 3.4 Personal information we collect and hold relating to a particular case will generally be disclosed to:
- all parties and their representatives
 - the department or agency that made the decision we are reviewing if they are not a party, and
 - the Federal Circuit Court or the Federal Court if an appeal is lodged against an AAT decision.

- 3.5 We might give some personal information to individuals or organisations who help us to carry out a review, including:
- providers of interpreting services and recording and transcription services, and
 - individuals or organisations from whom we request information or an opinion during the review.

Service providers who help us to maintain our ICT systems might also have access to some personal information.

- 3.6 A list of the cases that have a conference, hearing or other event is published daily on our website and displayed in our offices for all divisions except the Security Division and the Social Services & Child Support Division.
- 3.7 We will usually disclose the following information to the media or the public on request in cases in the Freedom of Information, General, National Disability Insurance Scheme, Small Business Taxation, Taxation & Commercial, and Veterans' Appeals Divisions:
- basic information about a case, including:
 - the names of the parties and any representatives
 - the type of application
 - dates of case events
 - the types of key documents lodged by the parties
 - the outcome of an application.

[Note: This information can also be accessed using *eCase Search*, our online case search tool.]

- after a public hearing has been held, the evidence in the case, any transcript and other relevant documents lodged with us
 - any order relating an interlocutory application or any decision or order that finalises an application.
- 3.8 When the AAT makes a decision in a case, we often prepare a written statement of the reasons for our decision which contains detailed information about the case. It usually includes personal information and might include sensitive information. Many decisions are made publicly available, including on the Australasian Legal Information Institute website (www.austlii.edu.au), in accordance with our [Publication of Decisions Policy](#).
- 3.9 Disclosure of personal information to the media and the public is consistent with the open justice principle and promotes the accountability of the AAT and individuals and organisations whose decisions are being reviewed.

- 3.10 Personal information will not be disclosed to a party, representative or other person, including the media or the public, if:
- a confidentiality order restricting disclosure has been made under the AAT Act or the Migration Act, or
 - disclosure is otherwise restricted by another legislative provision or court order.

Information might not be disclosed if it is not relevant to the case or there is a pending request for a confidentiality order.

Disclosure of personal information overseas

- 3.11 It is not our usual practice to disclose personal information to overseas recipients. However, if a party to an application made to the AAT or a representative of a party is located overseas, personal information might be sent to that person. Information might also be disclosed to overseas recipients to facilitate an investigation being undertaken at the AAT's request or the taking of evidence from a witness who is overseas.

4. Quality of personal information

- 4.1 We take reasonable steps to ensure that the personal information we collect, use or disclose is accurate, up-to-date, complete and relevant. These steps include:
- promptly recording new personal information and updating personal information in existing records when we are advised that it has changed
 - using data validation and consistent formats when we collect and record some kinds of personal information
 - reminding people or otherwise offering opportunities to update personal information, and
 - where necessary, confirming the accuracy of information from other parties or a public source with you.

5. Storage and security of personal information

- 5.1 Most personal information is stored by the AAT electronically with some information also stored on paper files.
- 5.2 We take steps to protect your personal information from misuse, interference and loss and from unauthorised access, modification or disclosure. These steps include:
- ICT security measures, including authentication requirements for accessing our electronic systems and keeping audit log of systems access by users.
 - physical security measures, including restricting physical access to our offices and secure storage for information held on site with access to classified material limited to specific AAT personnel who have the required level of clearance
 - secure storage for information held offsite
 - procedures and training for dealing with suspected data breaches.
- 5.3 When personal information we hold is no longer required, we delete or destroy it in a secure manner in accordance with the requirements of the *Archives Act 1983* and our records authorities.

6. Accessing and correcting your personal information

- 6.1 You have a right under the APPs to access personal information we hold about you. You can also request that we correct personal information we hold about you if you

think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading. To make an access or correction request:

- if you are a party to an application made to the AAT, you or your representative should write to the [AAT office](#) dealing with your application
- in any other case, you should write to the AAT at the email or postal address listed below.

6.2 You can also request access to documents and apply to amend or annotate personal information about you in documents held by us under the *Freedom of Information Act 1982* (FOI Act). Further information about making a request under the FOI Act is available on [our website](#).

6.3 We will allow access to the personal information we hold about you unless we decide that access should or must be refused under:

- the AAT Act or the Migration Act
- the FOI Act
- the Privacy Act, or
- any other relevant law.

6.4 We will correct personal information we hold about you unless we consider there is a sound reason not to under the Privacy Act. If we do not agree to correct your personal information, you can ask us to associate with it a statement setting out that you believe the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

6.5 Note that it is generally not possible to make changes to an AAT decision or associate a statement with an AAT decision once it has been finalised.

6.6 We will deal with any access or correction request within 30 days after the request is made.

7. Complaint procedures

7.1 If you are dissatisfied with the way we have handled your personal information, or you are concerned we have breached the APPs, you should first lodge a written complaint with us, preferably by completing our [online form](#). We will endeavour to investigate and respond to the complaint within 20 working days.

7.2 If you are not satisfied with our response, you may make a complaint to the Australian Information Commissioner. Further information about how to make a privacy complaint is available from the Office of the Australian Information Commissioner's website – www.oaic.gov.au.

8. How to contact us

8.1 To make an enquiry about our compliance with the APPs or this privacy policy you can contact us by:

Email: enquiries@aat.gov.au

Post: GPO Box 9955

Phone: 02 9391 2491

Sydney NSW 2001

Fax: 02 9276 5599

Non-English speakers: Call the Translating and Interpreting Service on **131 450** then ask them to call the AAT on 02 9391 2491.

People who are deaf or have a hearing or speech impairment: Contact us through the [National Relay Service](#).