

Policy Framework for the Regional Biometric Data Exchange Solution



The Bali Process

on People Smuggling, Trafficking in Persons and Related Transnational Crime



Part 8 : Template Privacy Notices and Consent Form

Attachment 7

Template privacy notices and consent form

The purpose of this document is to provide Participating Members with guides to drafting privacy notices and consent forms for individuals. These templates have been drafted to assist Participating Members in complying with the notice and consent privacy safeguards provided in the Terms of Use.

Privacy notices and consent forms are essential to ensure that individuals are adequately informed of how their personal information will be collected, used and disclosed so that they can give informed consent to the Participating Member.

The wording contained in these templates act as guides only and Participating Members are free to draft notices in whatever form, style and language that is appropriate to the circumstances of each Participating Member. Explanatory comments and drafting suggestions are provided throughout this document.

1. Template General Notice

[This is a template general notice that may be published as a fact sheet or published on the Internet. This notice can provide individuals with information generally about biometric collection by the Participating Member. Notices that are widely published or available can assist individuals with understanding what will happen to their personal information, especially prior to individuals deciding to travel.]

This notice informs individuals about how the [relevant agency] collects, uses and discloses personal information, including biometric data.

Legal authority

[This paragraph should inform individuals of the legal authority to collect their personal information, namely which domestic law or policy specifically authorizes the collection, use and disclosure of their personal information.]

The [insert law, for example Immigration Act] authorizes [the agency] to collect and use personal information, which includes biometric data. The [Act] also authorizes the [agency] to disclose and exchange personal information with third parties, including foreign governments. [Participating Member] has entered into international arrangements to exchange biometric and biographical data [and other personal information] with foreign governments.

Whose information will be collected? What information will be collected?

[This paragraph informs individuals of the personal information that will be collected and whose personal information will be collected. Participating Members can identify (1) the categories of individuals for whom information is collected, and (2) for each category, list all information, including personal information that is collected.]

[The agency] will collect personal information about the following categories of individuals: [list the relevant categories, for example, visa applicants.]

[Insert the name of the agency] will collect the following types of personal information: [list the types of personal information that will be collected as specifically as possible. For example, biometric data, including fingerprints and facial images, name, date of birth, nationality, and passport number].

From what sources will personal information be collected?

[This paragraph informs individuals of the source from which Participating Members will collect personal information.]

Generally, [the agency] will collect personal information, including biometric data, directly from the individual. However [the agency] may collect an individual's personal information from other sources, such as other government agencies and foreign governments, where there are established data exchange arrangements to do so.

Why is personal information collected?

[This paragraph informs individuals of the purpose for which their personal information is collected. This paragraph should clearly articulate that the purpose includes identification and identity verification as it relates to migration and border management; refugee and humanitarian assistance; visa compliance, immigration status, and as evidence in any related judicial proceedings. This paragraph can also inform individuals about the consequences of not providing personal information and biometric data.]

Personal information, and biometric data, is collected and used by the [agency] to assist in checking or confirming an individual's identity. Ensuring the integrity of an individual's identity is important when making migration and border management decisions relating to the individual. This enhances the [Participating Member's] capacity to facilitate migration management, combat identity fraud, prevent potential criminal offences and provide evidence in any related judicial proceedings.

If an individual's personal information is not collected, the [agency] may not be able to verify that individual's identity in order to make migration and border management decisions, such as [granting visa applications].

How will personal information be used?

[This paragraph informs individuals of how their personal information will be used. For the purposes of the RBDES, this paragraph should clearly inform individuals that their biometric data will be matched against domestic databases, and a request may be made to foreign governments to match personal information against foreign databases.]

Personal information, including any biometric data, will be stored and matched against [the agency's] databases to verify the identity of the individual in question. If necessary, matching may also be

performed against other relevant databases, such as [law enforcement databases]. The [agency] may also request partnering agencies from foreign governments to perform matches with their own databases.

Where and when will personal information be collected?

[This paragraph aims to inform individuals the places and times in which personal information will be collected.]

Personal information will be collected [for example, at visa application centers when individuals apply for a visa, upon arrival and departure at land, sea and air border points, upon offshore and onshore refugee applications].

Disclosure of personal information to third parties

[This paragraph informs individuals of how their personal information may be disclosed to third parties such as nominated representatives, courts, inquiries, and the general public.]

Where an individual has nominated a third party, such as a family member, migration agent, travel or airline agent, or lawyer to represent them, their personal information may be disclosed to the third party unless the individual has requests otherwise.

In some circumstances, the [agency] may be authorized or required by law to disclose personal information to third parties. A subpoena or other judicial order might compel disclosure of personal information to the court and the other parties to the proceedings, or [Right to Information legislation] may require some disclosure of personal information to third parties such as journalists. In each case, the [agency] will take steps to protect the individual’s privacy and the confidentiality of their personal information.

Disclosure of personal information to foreign governments

[This paragraph informs individuals of how their personal information may be disclosed to foreign government agencies.]

The [agency] is authorized to exchange personal information, including biometric data, with foreign government agencies to identify or confirm the identity of individuals in order to [facilitate migration and border management, combat identity fraud, protect national security and prevent crimes].

The [agency] has entered into bilateral and multilateral arrangements to exchange biometric and biographical data, [and other personal information], with foreign government agencies, including [insert names of partnering Participating Members/agencies].

The [agency] will not disclose or exchange information with an individual’s country of nationality or country of origin unless it has the individual’s express consent to do so, or if it is satisfied that the individual has not expressed any fear of persecution or torture, [or a final determination has been made that the individual is not a refugee or victim of torture], or if the UNHCR has made a determination that the individual is not a refugee.

Retention of personal information

[This paragraph informs individuals of how their personal information will be retained and the legal authorities for this.]

Personal information will be retained in [immigration databases] and will be kept [indefinitely, for 2 years, for 10 years]. Our policy on retention of personal information is based on [domestic law and policy], and requirements from our international data exchange arrangements.

Where information is exchanged with foreign government agencies to verify the identity of an individual, the foreign government will only use the personal information to perform any database matches, and will delete the personal information once the exchange has been completed.

Access and correction of personal information

[This paragraph informs individuals about how they can access and correct their personal information. Procedures of access to data based on relevant domestic legislation or policy should be cited, as well as time frames for undertaking correction and possible authorities in case access to data or correction of data was declined. In case there are exemptions in law prohibiting individual from accessing his/her data it should be clearly articulated.]

The [agency] recognizes that it is important for individuals to be able to access and correct their personal information.

Individuals can apply for access and correction of their personal information by writing to [relevant personnel, unit, or department].

[All requests will be promptly attended to and the response will be made no later than [insert number of day, if applicable] days after its receipt.]

Contact us

[This paragraph informs individuals of how they can obtain further information and contact relevant officers and agencies, including, if applicable, any privacy enforcement authority or other independent agency.]

Further information about the [agency's] privacy policy is available at [insert the website link or other contact details].

Individuals can make requests, inquiries or complaints with the [agency] through [insert contact details, including website details, telephone numbers, street and postal addresses and email addresses].

Individuals can also contact [Privacy Authority] for further inquiries or complaints. The [Privacy Authority] can be contacted through [insert contact details, including website details, telephone numbers, street and postal addresses and email addresses].

2. Notice at time of biometric capture or collection

The [agency] would like to collect, under the [domestic law or policy], the following information from you: name, date of birth, country of residence, country of citizenship, passport number, and biometric data, including fingerprints and facial images.

If you provide your personal information to the [agency], you are providing consent to the collection, use and disclosure of your personal information as described in this notice. If you do not consent, or later withdraw your consent, to the collection, use and disclosure of your personal information as described in this notice, the [agency] may not be able to [process your application].

Once your personal information is collected, it will be stored and matched with the [agency's immigration database] and can be used to verify your identity as it relates to [visa and migration decisions; visa compliance; refugee and humanitarian assistance; border management]. Your personal information may also be used as evidence in any investigation or related judicial proceedings.

[The agency] would like to disclose your personal information, including biometric data, to other government agencies to achieve the above purposes. [Participating Member] has international arrangements with foreign governments that allows the [agency] to exchange personal information with these foreign government agencies. The [agency] would like to exchange your biometric data with foreign government agencies so that they can match your personal information with any personal information contained in their databases.

If you have any concerns about exchanging information with your country of origin or nationality, please let the [agency] know as soon as possible. If you are afraid that you will be harmed by the officials of your country of origin or nationality for any reason, please let the [agency] know as soon as possible.

Your personal information will not be kept for longer than is necessary for the purposes stated above, and in accordance with [insert relevant law or department's policy] relating to data retention.

The [insert relevant legislation or policy] provides safeguards that protect your privacy. You may:

- request access to and correction of your personal information;
- make inquiries, requests or complaints about the use of your personal information;
- withdraw consent at a later time.

Requests, inquiries or complaints may be made in writing to [insert contact details such as the contact person or department, street address, postal address, website or email]. You can obtain further information about the [agency's] privacy policy and data exchange arrangements at [website].

3. Consent form at time of biometric capture or collection

The [agency] would like to collect, under the [domestic law or policy], the following information from you: [your name, date of birth, country of residence, country of citizenship, passport number], and biometric data, including fingerprints and facial images.

If the [agency] does not collect, use or disclose your personal information as described in this consent form, the [agency] may not be able to [process your application].

Once collected, your personal information will be stored and matched with the [agency’s immigration database] and can be used to verify your identity as it relates to [visa and migration decisions; visa compliance; refugee and humanitarian assistance; border management]. Your personal information may also be used as evidence in any investigation or related judicial proceedings.

[The agency] would like to disclose your personal information, including biometric data, to other government agencies to achieve the above purposes. [Participating Member] has international arrangements with foreign governments that allows the [agency] to exchange personal information with these foreign government agencies. The [agency] would like to exchange your biometric data with foreign government agencies so that they can match your personal information with any personal information contained in their databases.

Your personal information will not be kept for longer than is necessary for the purposes stated above, and in accordance with [insert relevant law or department’s policy] relating to data retention.

The [insert relevant legislation or policy] provides safeguards that protect your privacy. You may:

- request access to and correction of your personal information;
- make any inquiries, requests or complaints in relation to the use of your personal information;
- withdraw consent at a later time.

Requests, inquiries or complaints may be made in writing to [insert contact details such as the contact person or department, street address, postal address, website or email]. You can obtain further information about the [agency] privacy policy and data exchange arrangements at [website].

Please indicate whether or not you wish to provide your consent:

- I consent to the collection, use and disclosure of my personal information as described in this form.
- I do not consent to the collection, use and disclosure of my personal information as described in this form.

If you have any concerns about exchanging information with your country of origin or nationality, please let the [agency] know as soon as possible. If you are afraid that you will be harmed by the officials of your country of origin or nationality for any reason, please let the [agency] know as soon as possible.

- I would like to speak to an official about exchange of information with my country or origin or nationality.

Name: _____

Signature: _____ Date: _____



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