

MSIC Privacy Policy

Version	1.1	CM Container	POS.2272
Start Date		CM #	2078787
Compliant by		Review	Annually

Custodian	Approving Officer	Date of Approval
Benjamin Cole, Chief Security Officer	Tully Barnes, General Manager- Operations	29/04/2025

Version	Date	Author	Changes
1.0	27/07/2015	Chief Finance Officer/General manager Commercial and Corporate Services/ External Law firm	Initial release.
1.1	14/04/2025	Sam Major (Security Service Centre Supervisor)	MSIC Office replaced with new name of Security Service Centre (SSC) Section 4.1 - updated to include identification types, requirements and current organisation names (ASIO and CISC - DHA) Section 10 - Privacy email added Section 12 - relevant policies included. 'We' replaced with 'Fremantle Ports'

1 Introduction

Fremantle Ports' Security Service Centre (SSC) is committed to ensuring that all information collected by it for the purpose of processing, issuing and maintaining MSIC Cards is managed in line with the Privacy Act, the Australian Privacy Principles and the Office of the Australian Information Commissioner's Privacy Guidelines. Fremantle Ports reserve the right to change, modify or update this privacy policy at any time.

This policy governs the collection and use of personal information submitted or provided to and created by the Security Service Centre for the purpose of processing, issuing and maintaining MSIC Cards, and outlines how the Security Service Centre handles personal and sensitive information about individuals. This includes the collection, use, storage and disclosure of personal and sensitive information, and access to and correction of that information.

2 Scope

This policy applies to all Fremantle Ports Security Service Centre employees, consultants and officers and covers personal and sensitive information held by the Security Service Centre or offsite at remote storage facilities.

The policy only concerns the SSC, SSC employees or consultants and any other related matters – it is in no other way concerned with or connected to the operation of Fremantle Ports' or its internal privacy practices and procedures.

2.1 What is a Maritime Security Identification Card (MSIC)?

A Maritime Security Identification Card is a nationally consistent card which is issued to identify a person who has been the subject of a background check. It shows that the holder has met the minimum-security requirements and needs to work unescorted or unmonitored in a maritime security zone. The MSIC is not an access card and the relevant authority at each port or facility still controls access to its maritime security zones.

A standard MSIC is valid for two or four years unless you leave the regulated Australian maritime environment for 12 months or longer or you no longer have an operational need to be within a maritime security zone. In this case, your card may be cancelled before the validity period has elapsed.

2.2 Who needs a MSIC?

A person has an operational need to hold a MSIC if his or her occupation or business interests require, or will require, him or her to have unmonitored access to a maritime security zone at least once a year.

2.3 How is Fremantle Ports involved?

Fremantle Ports is an approved Issuing Body under the Maritime Transport and Offshore Facilities Security Act and Regulations for the purpose of receiving, processing and printing MSIC Cards. The Fremantle Ports' functions and activities as an Issuing Body are solely run through the Security Service Centre.

3 Definitions

For the purposes of this policy the following definitions are included:

3.1 Personal information

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

3.2 Sensitive information

Sensitive information means:

- (a) information or an opinion about an individual's:
 - racial or ethnic origin; or
 - political opinions; or
 - membership of a political association; or
 - religious beliefs or affiliations; or
 - philosophical beliefs; or
 - membership of a professional or trade association; or

membership of a trade union; or

sexual orientation or practices; or

criminal record;

that is also personal information; or

- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.

4. What personal information do Fremantle Ports collect and hold? Why and how do Fremantle Ports collect hold, use and disclose your personal information?

4.1 Collection of personal information

The kinds of information the Security Service Centre will collect from you will depend on what service(s) you are seeking from the Security Service Centre. Although the Security Service Centre is primarily concerned with facilitating applications for and the issuing of MSIC's, it also assists with other issues associated with MSIC's such as when you may have lost your MSIC Card or the re-instatement of MSIC's.

Purpose of collection

In order to get a MSIC you will need to complete and sign an MSIC application form and you will need to provide the SSC with:

- (a) proof of your identity, which may be:
 - i. Category A Identification document (A start of Identity in Australia): In the way of an Original Australian Birth Certificate, an Australian Citizenship Certificate, Australian citizenship by descent, Australian VISA (supported by foreign passport) or An Australian Protection VISA;
 - ii. Category B Identification document (Link between the identity and the person by means of photo and signature): In the way of an Original Australian Driver's Licence, Learner's Permit or Foreign Drivers Licence, a valid Australian Passport, Foreign Passport or CTD, Australian proof of age card, Embassy/consulate photo identity card, Adult firearms or shooters licence, Industry licence (Australian industry licence such as a taxi cab licence, Police identification card, Australian Security Licence, Working with vulnerable people card.

- iii. Category C Identification document (Evidence of the person operating in the community with their identity): by way of Medicare Card, Official Marriage Certificate, ASIC, Government Issued identity document (Government employee identity card, Military identification card or Defence discharge papers), Evidence of employment (for example payslip/PAYG summary less than 6 months old) Evidence of indigenous heritage, Australian tertiary student ID card, Academic transcript/trade certificate, Bank Card, Australian government benefits.
 - iv. Category D Identification document (Evidence of current residential address): Australian electoral enrolment, Australian rate or valuation notice, Utility or bank statement, Mortgage papers or tenancy agreement, other evidence of residential address.
- (b) evidence of an operational need to hold an MSIC (this evidence can be in the form of a letter of sponsorship from your employer, a port facility with whom you are engaged or a maritime industry participant, stating that you require the card in order to perform your duties).
 - (c) proof of eligibility to work in Australia;
 - (d) a demonstrated requirement to access Fremantle Ports (if required); and
 - (e) payment.

The Security Service Centre is responsible for confirming your identity and your citizenship or your right to work in Australia. The Security Service Centre will also provide you with the application and consent forms that need to be completed for all applicable background checks. The SSC will also be responsible for producing an MSIC.

Information that may be collected

The personal information Fremantle Ports collect is only the information you choose to tell us, or which you authorise us to obtain for the purpose of providing a MSIC. The personal information Fremantle Ports collect may include, but it is not limited to:

- (a) **Identity:** your name, gender, date of birth, contact details, previous and current residential addresses, your billing information and your current contact details;
- (b) **Work:** your employer's name and business address; and
- (c) **Immigration:** date of arrival in Australia, port of arrival and other relevant details, such as your travel document or visa number, flight number or name of vessel and the full name of your parent if you entered Australia on your parent's passport, billing information and police history (if any).

Fremantle Ports only collect personal information necessary for providing a MSIC. All information will be collected lawfully, fairly and not in an intrusive way.

Use and disclosure of personal information

- (a) The Security Service Centre will only use and disclose personal information for the purpose of providing an MSIC, to government authorities or third parties involved in court proceedings (where required by law), or, where applicable, to the employer or organisation named in your MSIC application in order to assess your operational need.

- (b) The Security Service Centre Office will also use or disclose personal or sensitive information collected from you:
- (i) if you have agreed to such use or disclosure at the time of collection;
 - (ii) if the use or disclosure is required by law or is necessary for the purpose of a judicial process or an enforcement-related activity;
 - (iii) if use or disclosure is necessary to protect the rights of Fremantle Ports or to reduce or prevent unlawful activity or serious threats to individuals, public health or safety; and
 - (iv) to contact individuals in the event of an emergency or crisis situation.

Fremantle Ports will send the information you provided us with to AusCheck (a department of the Commonwealth Attorney-General's Office) which will co-ordinate a background check by using the information you provide to the MSIC Centre to ask the following government agencies for information about you:

- (a) *Australian Security Intelligence Agency (ASIO)* – ASIO will investigate your background and any past activities to determine whether you pose a politically motivated violence threat in the maritime environment or to national security. Politically motivated violence is any act or threat of violence or unlawful harm that is intended or likely to achieve a political objective, whether in Australia or elsewhere. ASIO will keep your information and use it as is necessary for national security purposes. Should ASIO make any recommendation against the issuing of an MSIC, you will be informed of the recommendation and how you can have it reviewed by the Administrative Appeals Tribunal.
- (b) *Cyber and Infrastructure Security Centre CISC* – If you are over 18 years of age, CISC will check your criminal history in the database of all Australian legal jurisdictions and supply a copy of your criminal record to AusCheck. CISC will not use your information for any other purpose.

Fremantle Ports may also request that your personal information be sent to the *Department of Immigration and Border Protection* in order to check your citizenship status or your legal right to work in Australia. The *Department of Immigration and Border Protection* may use your information for immigration compliance purposes.

Only the bodies referred to above, and other applicable Australian Government entities will have access to your background checking information. The agencies that have access to the AusCheck database must be accredited by AusCheck as an appropriate agency and must have functions relating to law enforcement or national security prescribed under legislation.

The Security Service Centre will not receive the details of your criminal history check or security assessment. The Security Service Centre will only receive approvals or non-approvals from AusCheck, for authority to issue an MSIC.

The Security Service Centre will only disclose personal information or sensitive information to other third parties to the extent necessary to carry out the purposes outlined above. Whenever possible, the Security Service Centre will ensure that third parties to whom personal or sensitive information is disclosed have in place privacy practices that protect the confidentiality of personal and sensitive information. The Security Service Centre will also ensure that any contracts with third parties to whom personal or sensitive information is disclosed imposes contractual obligations on those third parties to comply with this policy.

5. Where and how will my information be stored? What security mechanisms are used to protect my personal information?

The Security Service Centres employs a number of different strategies to protect personal or sensitive information. These include, depending on the service and the nature of the personal information held in the relevant system:

- (a) encryption technologies;
- (b) firewalls and intrusion detection systems;
- (c) restricted access;
- (d) vulnerability and penetration testing;
- (e) security policies and staff training; and
- (f) access controlled physical storage on and off site.

The Security Service Centre holds electronic personal and sensitive information on Australian based servers.

In addition, hard copy personal and sensitive information is stored both in the Security Service Centre's office.

The Security Service Centre strives to protect personal and sensitive information from misuse, interference, loss and from unauthorised access, modification or disclosure. However, data transmission over the Internet cannot be guaranteed to be absolutely secure because risks do change over time.

6. Can you deal with me anonymously or via a pseudonym?

The Security Service Centre cannot deal with requests to deal with individuals anonymously or by pseudonym because it would be impracticable for it to do so due to the nature of the Security Service Centre's business, and because in some instances it would be unlawful for the Security Service Centre to do so.

7. Will my personal information be disclosed to overseas recipients?

The Security Service Centre does not disclose personal information to any overseas recipients, other than is referred to above. The Security Service Centre will, unless it is necessary for the provision of a particular service, attempt to avoid the disclosure of any of the personal information it holds to overseas recipients.

8. What do you do with un-solicited information or documentation?

The Security Service Centre will destroy unsolicited personal information that is not required for its functions or activities as soon as practicable.

9. How can I access and make a correction to me personal information?

You have the right to access your personal information held by the Security Service Centre. If you wish to update your personal information you may ask us to correct it. Before granting access or making any corrections to your personal information, Fremantle Ports will need to verify your identity.

If you wish to access or update information Fremantle Ports hold about you, please contact us on the details referred to in section **Error! Reference source not found.**

The Security Service Centre cannot change your criminal record, ASIO security assessment or Department of Immigration and Border Protection immigration assessment. If you believe the results of your criminal record check are incorrect, you need to apply for a correction with the relevant police service. Challenges to your security assessment or immigration status should be made directly to AusCheck or the Department of Immigration and Border Protection.

If information is not routinely available, the *Freedom of Information Act 1992* (WA) provides members of the public with the right to apply for access to or to make changes to personal information held by the Security Service Centre in accordance with the Fremantle Ports Information Statement.

10. How Can I make a complaint?

If you believe the Security Service Centre has breached the *Privacy Act* and / or the *Australian privacy Principles*, please contact us via the details outlined below:

Email: privacy@fremantleports.com.au

Telephone: +61 8 9430 3555

Mail: PO Box 95, Fremantle, WA 6959

In person: 1 Cliff Street, Fremantle, Western Australia

The Security Service Centre takes privacy of personal information very seriously. Fremantle Ports will use reasonable efforts to deal promptly with inquiries and, in any event, will acknowledge your inquiry within 30 days.

Security Service Centre staff or employees may contact Fremantle Ports' Human Resources department directly to update their personal information and can update their personal information directly via the internal Human Resources system.

If your complaint is not resolved, you may then contact the Office of the Australian Information Commissioner for further review on 1300 363 992. You may complain directly to the Office of the

Australian Information Commissioner on that number at any time, though it is likely that they will request you use our complaint process before they review your complaint further.

11. Non-Personal Information

Fremantle Ports' website records visits and logs the following information for statistical purposes:

- (i) user's server address;
- (ii) user's top level domain name (eg. .com, .gov, .au, etc.);
- (iii) the date and time of the visit to the website;
- (iv) pages accessed and documents downloaded;
- (v) the previous website visited; and
- (vi) the type and version of browser used.
- (vii) No attempt is made to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the service provider's logs. This website does not use cookies.

12. Related Policies

- (a) Internal Privacy Statement (CM#966701)
- (b) FPA External Privacy Policy (CM#1847656)
- (c) Privacy Act 1988 (<https://www.legislation.gov.au>)
- (d) Freedom of Information Act 1992 ([WALW - Freedom of Information Act 1992 - Home Page](#))
- (e) Maritime Transport and Offshore Facilities Security Act 2003 and Regulations 2003