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If you apply for and are found eligible to be issued with a four year MSIC, AusCheck is required to undertake a second background check, triggered on the two year anniversary of your initial background check. The fee paid for your four year MSIC includes the cost of this second background check. The second background check is similar in nature and process to your initial check.

If you apply for and are found eligible to be issued with a four year MSIC, but subsequently decide you do not want to have the second background check, you can withdraw your consent for that second check by contacting your issuing body before the second background check occurs.

If you withdraw your consent for the second check:

- your issuing body must immediately cancel your MSIC
- your issuing body will receive a credit for AusCheck's fees associated with the second check.

If you do not want to have a second background check you have the option of applying for a two year MSIC.

## Spent convictions

A spent conviction is a criminal conviction that lapses after a period of time and will not ordinarily be disclosed on a person's criminal record. The Commonwealth spent convictions scheme is contained in Part VIIC of the Crimes Act 1914 (Cth) and limits the use and disclosure of certain criminal record information.

AusCheck will not be provided with, and will not use or disclose, information about a conviction which is 'spent' (unless an exclusion applies – see below) or quashed or set aside, or for which a pardon has been granted.

A conviction is a 'spent conviction' under the Commonwealth spent convictions scheme if all of the following applies:

- you were not sentenced to more than 30 months imprisonment in relation to the offence
- the 'waiting period' has ended – 10 years since the date of the conviction (or five years if you were dealt with as a minor), and
- you have not been convicted for an offence during the waiting period.

A conviction is also 'spent' under the Commonwealth scheme if it is considered a 'spent conviction' under a state or territory law. Note that AusCheck is exempt from the application of the South Australian spent convictions scheme.

Some exclusions apply to persons applying for an ASIC or MSIC. This means that the details of convictions for certain aviation and maritime security-relevant offences will be given to AusCheck and used and disclosed in relation to the background check even if they are 'spent'.

If you believe the 'spent convictions' rules have been breached by AusCheck, you can apply to the Office of the Australian Information Commissioner for an investigation.

## Where can I get more information?

The Department's privacy policy is available from the Department's website:

<https://www.homeaffairs.gov.au/access-and-accountability/our-commitments/plans-and-charters/privacypolicy>

You can find the following information in our Privacy Policy:

- how to access or seek correction of personal information about you that is held by the Department, and
- how you may complain about a breach of the Australian Privacy Principles and how complaints are dealt with.

The AusCheck section of the Home Affairs website has more information about:

- 'spent convictions'
- how your personal information will be used and secured
- to whom your personal information may be disclosed
- your rights to access and correct your personal information
- your rights to complain about any suspected breach of your privacy
- how your personal information is secured by AusCheck
- the background checking process
- the decision making process and considerations
- processing times and outcomes notification
- discretionary cards
- appeal processes
- obligations to self-report, and
- legislation relating to AusCheck

You can see the website at:

<https://www.auscheck.gov.au/security-card/aviation>

## How to contact us

You can contact an AusCheck staff member on 1300 097 974 or through [AusCheck@homeaffairs.gov.au](mailto:AusCheck@homeaffairs.gov.au)