



Australian Government  
Australian Fisheries Management Authority

# AFMA Privacy Notice

Australian Privacy Principle 5

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## Introduction

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The *Privacy Act 1988* (*Privacy Act*) requires AFMA to notify an individual of certain matters when it collects personal information about them. This AFMA Privacy Notice is published on AFMA's website and should be considered as your notification of those matters.

## What is personal information?

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The Privacy Act provides that personal information is:

**Personal information** defined as any information or an opinion about an identified individual, or an individual who is reasonably identifiable; and

**Sensitive information** defined as a subset of personal information about an individual's racial or ethnic origin, political opinion, religion, philosophical beliefs, sexuality, criminal record or health.

Personal information may be collected directly by AFMA, or by people or organisations acting on AFMA's behalf (eg. contracted service providers). It may be collected directly from individuals, or on their behalf from representatives they have authorised or from other sources if reasonably required. Sources may include other entities, generally available publications, web browsing or surveillance cameras (eg. security cameras, Vessel Monitoring Systems and Electronic Monitoring).

AFMA will take reasonable steps for identifying and managing privacy risks at each stage of the information lifecycle, including collection, use, disclosure, storage, destruction or de-identification.

The main pieces of legislation administered by AFMA are the *Fisheries Administration Act 1991* (the FA Act), the *Fisheries Management Act 1991* (the FM Act) and the *Torres Strait Fisheries Act 1984* (the TSF Act).

## What AFMA does

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AFMA manages commercial fisheries generally from three nautical miles offshore to the boundary of the Australian Fishing Zone, as well as Australian boats fishing on the high seas.

AFMA's legislated functions and objectives provide for the pursuit of efficient and cost effective fisheries management consistent with the principles of ecologically sustainable development, including the precautionary principle, and maximising the net economic returns for the Australian community from the management of Australian fisheries.

## Contact details

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If you have any privacy concerns or complaints you should contact the AFMA Privacy Officer. The AFMA Privacy Officer is tasked with handling internal and external privacy enquiries, complaints and requests for access to and correction of personal information.

You can contact the Privacy Officer by phoning 1300 723 621 or emailing [privacy@afma.gov.au](mailto:privacy@afma.gov.au).

All official complaints regarding breaches or mishandling of personal information should be first made in writing to AFMA's Privacy Officer, either by email at [privacy@afma.gov.au](mailto:privacy@afma.gov.au), or post to:

AFMA Privacy Officer  
Box 7051, Canberra BC,  
CANBERRA ACT 2610.

## **From whom AFMA will collect your personal information**

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Generally, AFMA (or its contracted service providers) will collect your personal information directly from you, a third party you authorise to act on your behalf or an e-monitoring system installed on a boat. AFMA may also collect your information from third parties, which may include other Australian Government agencies, law enforcement agencies, foreign governments, medical practitioners, organisations that you have nominated, education providers, employers and members of the public who contact AFMA with information.

Some personal information is collected and used on AFMA's behalf by other government agencies authorised to carry out some of AFMA's functions.

Personal information is also collected and used on AFMA's behalf by contractors. Examples include contracted licensing staff, research surveys/interviews, support services for detainees and medical services. AFMA requires that its contractors also comply with the *Privacy Act*, regardless of whether they are located in Australia or overseas.

## **Collection of your personal information that is required or authorised by law**

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The *Fisheries Management Act 1991*, the *Torres Strait Fisheries Act 1984* and the *Fisheries Administration Act 1991* provide AFMA with authority to collect and disclose information (including personal information) in the performance of its functions.

### **The Fisheries Administration Act:**

The FA Act establishes AFMA and outlines its functions and responsibilities. To meet its objectives, AFMA is authorised to collect and disclose a range of personal information, including but not limited to:

- Consulting and exchanging information with State, Territory and overseas bodies having functions similar to AFMA's; and
- Collection and disclosure of information relating to:
  - possible breaches of laws of Australia or of a foreign country;
  - the control and protection of Australia's borders;
  - the administration and management of fisheries or marine environments; or
  - research or monitoring conducted, or proposed to be conducted, into fisheries or marine environments.

## The Fisheries Management Act:

AFMA is authorised to collect a range of personal information in pursuit of its objectives outlined in the FM Act. These situations include but are not limited to:

- Creating a register of persons concerned about plans of management;
- Allocating, granting and the ongoing management of Statutory Fishing Rights;
- Granting and the ongoing management of Fishing, Scientific, Port or Fish Receiver Permits;
- Granting and the ongoing management of Foreign Fishing Licences and Foreign Master Fishing Licences;
- The collection of e-monitoring data;
- Surveillance and enforcement by authorised officers;
- Detention of suspected illegal foreign fishers;
- The collection of levies and other charges; and
- The management of international treaties and agreements.

## The Torres Strait Fisheries Act:

AFMA is authorised to collect a range of personal information in pursuit of its objectives outlined in the TSF Act. These situations include but are not limited to:

- Allocating, granting and the ongoing management of licences and Treaty endorsements;
- Granting and the ongoing management of Fishing, Scientific, Developmental, Port or Fish Receiver Permits;
- Surveillance and enforcement by authorised officers;
- Detention of suspected illegal foreign fishers;
- The collection of levies and other charges; and
- The management of international treaties and agreements.

## The Maritime Powers Act

AFMA is authorised to collect personal information in the exercise of maritime powers by on-water enforcement agencies. The powers support the enforcement of Australia's maritime related laws, including in relation to illegal foreign fishing, customs, maritime counter terrorism, migration, quarantine and drug trafficking, as well as international agreements and arrangements at sea.

## The Privacy Act

The *Privacy Act* permits collection of:

- sensitive information where it is authorised under law, or for enforcement related functions, or with your consent; and
- other personal information where it is reasonably necessary for, or directly related to, one or more of AFMA's functions or activities.

## The purpose for which AFMA collects your personal information

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The collection of personal information is vital to AFMA meeting its obligations. Failure to supply your personal information may prevent you from being able to hold a Commonwealth fishing concession, operate or be a crew member of an Australian fishing vessel, sign a contract with AFMA or be employed by AFMA.

Failure to collect your information may inhibit the ability of AFMA to meet its statutory obligations (particularly in relation to compliance), its duty of care obligations, or Australia's international commitments.

Under the *Privacy Act*, information can also be used for a secondary purpose. Generally this is where you would reasonably expect AFMA to use or disclose your personal information and the secondary purpose is either directly related to the primary purpose (for sensitive information) or related to the primary purpose (for other personal information). For example, the information you provide in a Fishing Permit application may be used in relation to your subsequent enquiries (including under *the Freedom of Information Act 1982* and the *Privacy Act*).

## Disclosure to nominated representatives

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Where you have nominated a person, such as an Authorised Agent (for Licensing matters), family member, Ombudsman, Member of Parliament, or solicitor to represent you, your personal information may be disclosed to those third parties unless you have requested that we do not do so.

## Disclosures to other government agencies

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AFMA is, in certain circumstances, authorised or permitted under the FM Act or other legislation to disclose personal information to other government agencies, such as for the purposes of administering AFMA's functions and activities or to enable or assist the other agency to perform its functions.

Examples include disclosure to confirm your identity, verify the authenticity of documents you have provided, undertake data matching, or to manage compliance obligations.

Government agencies AFMA may exchange information with include, but are not limited to:

- Australian (Commonwealth, state and territory) and foreign enforcement agencies or bodies where necessary for an enforcement related activity, including the prevention, detection, investigation and prosecution or punishment of a criminal offence;
- Australian Border Force, to assist in maritime surveillance and interdiction to prevent illegal foreign fishing;
- Australian law enforcement agencies or emergency services in the event of an emergency, serious injury or death;
- The Commonwealth Scientific and Industrial Research Organisation to provide AFMA with up-to-date research findings to manage domestic fisheries; and

- Australian Government Security Vetting Agency, to process and grant security clearances for AFMA employees.

## **Review, Audit and Investigation Bodies**

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If you apply for merits or judicial review of a decision, AFMA will provide relevant personal information to the tribunal or court conducting the review.

We share information with investigation bodies such as:

- Office of the Australian Information Commissioner;
- Australian National Audit Office; and
- Fair Work Ombudsman.

## **Information about AFMA's privacy policy**

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AFMA's privacy policy is available from AFMA's website [www.afma.gov.au/privacy](http://www.afma.gov.au/privacy).

The policy contains information about:

- how you may request access to your own personal information held by AFMA and seek correction of it; and
- how you can complain about a breach of privacy and AFMA's complaint handling procedures.