

PRIVACY CASE NOTES

Communication of an Employee's Immigration History - IPP 2

The Complainant was a public sector employee and an immigrant on a bridging visa. His employer intended to sponsor him to seek a 457 visa (a skilled worker visa). This process necessarily involved the Complainant disclosing his immigration history to his employer, the public sector organisation.

The Complainant alleged that the information which was disclosed exclusively for this purpose was subsequently widely and inappropriately disseminated throughout the workplace by his employer. He argued that his 'personal and private migration history' had nothing to do with his employment, and should only have been used for the purpose for which it was provided, namely to complete his 457 visa application process and make decisions about his ongoing employment.

The organisation disputed that any such dissemination occurred, and alleged that where it did occur the Complainant himself communicated the information.

The matter came down to issues of credibility of witnesses, which could not be pre-judged at the *prima facie* stage. The matter was referred to mediation and is likely to proceed to hearing.