

DEPARTMENT OF DEFENCE

FREEDOM OF INFORMATION ACT 1982

INFORMATION FOR PERSONS WHO WISH TO HAVE PERSONAL INFORMATION ABOUT THEMSELVES CONTAINED IN DOCUMENTS AMENDED OR ANNOTATED

1. A person may apply under section 48 of the Freedom of Information Act (FOI Act) to the Department of Defence for *amendment* or *annotation* of a record of *personal information* that is:
 - a. about himself or herself;
 - b. claimed by him or her to be *incomplete, incorrect, out-of-date* or *misleading*;
 - c. contained in a document which is in the possession of the Department and to which s/he has obtained lawful access; and
 - d. has been used, is being used or is available for use by the Department for an administrative purpose.

2. If a record of *personal information* is *incomplete, incorrect, out-of-date* or *misleading*, the Department can, under paragraph 50(2)(b) of the FOI Act, *amend* the record by either:
 - a. *altering* the record so as to make it *complete, correct, up-to-date* or *not misleading*, but without obliterating the existing information wherever possible; or
 - b. *attaching a note*, which specifies the respects in which the information is considered to be *incomplete, incorrect, out-of-date* or *misleading* and which, if the information is *out of date*, adds whatever information is necessary to bring it *up to date*.

3. An application for *amendment* (as distinct from *annotation*) is required to:
 - a. be in writing; and
 - b. as far as practicable, specify:
 - i. the document containing the record of *personal information* that is claimed to require *amendment*; and
 - ii. the information that is claimed to be *incomplete, incorrect, out-of-date* or *misleading*, and
 - iii. whether the information is claimed to be *incomplete, incorrect, out-of-date* or *misleading*; and
 - iv. the applicant's reasons for so claiming; and
 - v. the terms of the *amendment* requested by the applicant.

[Refer to Section 49 of the FOI Act]

4. An application for *annotation* is required to:
- a. be in writing; and
 - b. as far as practicable, specify the document containing the record of *personal information* that is required to be *annotated*; and
 - c. be accompanied by a statement by the applicant that specifies:
 - i. the information that is claimed to be *incomplete, incorrect, out-of-date or misleading*, and
 - ii. whether the information that is claimed to be *incomplete, incorrect, out-of-date or misleading*; and
 - iii. the applicant's reasons for so claiming; and
 - iv. such other information as would make the information *complete, correct, up-to-date or not misleading*.

[Refer to Section 51A of the FOI Act]

5. It is not the form of the change which determines whether it is an amendment or an annotation. A document is *amended* if the Department agrees with the applicant's submission that the document is incomplete, incorrect, out-of-date or misleading. On the other hand, a document is *annotated* if the Department does not agree the document is incomplete, incorrect, out-of-date or misleading.

6. The Department will agree to, and implement, any application for *annotation* provided the statement of information submitted by the applicant for attachment to the record of the *personal information* in question is not considered by the Department to be irrelevant, defamatory or unnecessarily voluminous.
[Refer to Section 51B of the FOI Act]

7. If the Department refuses to *amend* a record in accordance with an application for *amendment*, it will give the applicant the opportunity to make a fresh application for *annotation*.
[Refer to Section 51 of the FOI Act]

8. If the Department agrees to *amend* a record in accordance with an application for *amendment*, it must ensure that the record of information is amended in a way that does not obliterate the text of the record as it was previously, to the extent that it is practicable to do so. [Refer to Section 50(3) of the FOI Act]

9. The form to be taken by the Department in making an *amendment* is to rule through the information found to be incomplete, incorrect, out-of-date or misleading and inserting the correct information along with the words "amended on [date] under section 48 of the FOI Act, see [cross reference, for example folio X of file Y]". The form to be taken by the Department for additional or updated information can be made with the words "additional/updated information provided under section 48 of the FOI Act on [date]".

10. In the case of an application for *annotation*, it is the responsibility of the applicant to compose the terms of the statement of information to be annotated on the record of the *personal information* in question. The Department is not obliged to, and will not, compose the statement from mere specifications provided by the applicant. The Department will attach the statement to the record, once the applicant has complied with the statutory requirements set out above. [Refer to Sections 51, 51A and 51B of the FOI Act]

11. The form to be taken by the Department in making an *annotation* is to insert the relevant information along with the words "annotated on [date] under section 48 of the FOI Act, see [cross reference, for example folio X of file Y]".

12. The Department may transfer a request for amendment or annotation of records in certain circumstances. If a request (or part of a request) is transferred to another agency or Minister, the Department must inform the applicant and provide any necessary documents to the agency or Minister. [Refer to Section 51C of the FOI Act]

13. The Department must provide a decision no later than 30 days after the request for annotation or amendment is received. As with access decisions, reasons for the decision as well as the review rights available to the applicant are to be provided, and decisions must be made by persons authorized by section 23 of the FOI Act. [Refer to Section 51D of the FOI Act]

14. A request for amendment or for annotation of a record of personal information is required to be in writing. There is no requirement to use a special form. However, applicants may find it convenient to use the attached form.

DEPARTMENT OF DEFENCE

FREEDOM OF INFORMATION ACT 1982

REQUEST FOR AMENDMENT OR ANNOTATION OF RECORDS OF PERSONAL INFORMATION

[Please read the Notes before completing this form. If there is insufficient space to answer any of the questions in this form, please attach separate sheets, clearly marked to show to which question they refer.]

(1) TO: Department of Defence
Freedom of Information Directorate
CP2-3-055
CANBERRA ACT 2600

(2) Please tick the appropriate box:

- This is a request for amendment of a record of personal information under section 48 of the Freedom of Information Act made pursuant to section 49 of the Act.
- This is a request for annotation of a record of personal information under section 48 of the Freedom of Information Act made pursuant to section 51A of the Act.

(3) MY NAME IS:
(Mr, Mrs, Miss, Ms, Dr,

(4) CURRENT RESIDENTIAL AUSTRALIAN ADDRESS:
.....
.....
.....Postcode.....Phone (.....).....

E-mail address:.....

(5) Date of Birth:.....

(6) Service: ARMY NAVY AIR FORCE

(7) Service number:.....

(8) Enlistment date:..... (9) Discharge date:.....

(10) I claim that the document(s) (described below) to which I obtained lawful access contains personal information about me that is incomplete, incorrect, out of date or misleading.

(11) I claim that the information has been used, is being used or is available for use, by you for an administrative purpose.

(15) The record is incomplete, incorrect, out of date or misleading because (set out the reasons why you believe the information is incomplete, incorrect, out of date or misleading):

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(16) The record should be amended by (set out the amendments you wish to have made to the record):

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(17) The record should be annotated as follows (set out, or attach, the statement you wish to have annotated (or attached) to the record:

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SIGNATURE OF APPLICANT _____ DATE / /20

NOTES

- (1) You may post, scan and email or deliver this Request Form to the address shown. The department will take all reasonable steps to notify you of its decision on your request as soon as practicable but in any case not later than the 30 day time limit prescribed in the Freedom of Information Act.
- (2) You may request that a record of personal information be amended or annotated. If you make a request for amendment but it is not granted, you may ask the department to annotate the record by adding to it a statement provided by you. The department will add the statement to the record provided that the statement is not defamatory, irrelevant or unnecessarily voluminous.
- (3) To ensure that the appropriate records are amended, and to protect your privacy, you must supply your full name and, if applicable, your former name(s). You also will need to provide proof of your identity. The information on this form is collected for the purpose of processing your application for amendment or annotation of documents.
- (4) It is not essential to give a telephone number or e-mail address, but it would help you get a prompt decision on your request if further details, or consultations, concerning your request are required.
- (5) If possible, attach a copy of the document(s) which contains (or contain) the information you wish to have amended or annotated. Otherwise, provide as much detail as possible of the description of the document, including, if known, the file reference number(s), date(s) of correspondence and author.
- (6) In paragraphs 11 to 17 You are entitled to request amendment or annotation of a record of personal information on the grounds that the information is incomplete, incorrect, out of date or misleading. You must specify the information you wish to have amended or annotated, the reason why the information is claimed to be incomplete, incorrect, out of date or misleading and the amendments you wish to have made to the record of that information or the annotation you wish to have added to the record. You may request amendment or annotation of several pieces of information for different reasons or you may request amendment or annotation of the one piece of information for several reasons.

NB: If possible, you should submit documentary evidence in support of your request for amendment or annotation; for example, other documents containing the new information you wish to have added to a record. You may be requested to supply further evidence in support of your request after it has been received by the department.

Last updated
1 July 2010