

Freedom of Information

How can I change my records?

Factsheet

Changing your records held by the Department of Families, Fairness and Housing

The *Freedom of Information Act 1982* provides for individuals to request changes to their personal information held on records of the Department of Families, Fairness and Housing (the department) where that document has been released to them in accordance with the Act.

Who is entitled to request a change to personal information?

Persons who have had documents released to them which contain their personal affairs information are entitled to request changes to information relating to themselves. Where a person is deceased, and their next of kin has had a document released to them that contains the deceased person's personal affairs information, the next of kin may also request a change to the information relating to the deceased person.

What type of information can I seek to change?

You are entitled to request the correction or amendment of information where this information is inaccurate, incomplete, out of date or where the information gives a misleading impression.

How do I make a request to change personal information?

To make a request to change personal information, your request must:

- be in writing
- provide an address for receiving the department's decision
- provide particulars as to how the information is inaccurate, out of date or misleading
- provide the form of change that you are seeking.

Requests for amendment of records should be sent to:

Freedom of Information unit
Department of Families, Fairness and Housing
GPO Box 4057
Melbourne Victoria 3001

How may the department respond to my request?

The department may respond in one of the following three ways. It may:

- support your request for an amendment by altering the original record
- support a notation being added to the original record
- refuse your request.

The department must provide you with its decision in relation to your request to change your records no later than 30 days after it was received.

Amendments

If the department decides that it will respond to your request by amending the record it may simply do so and you will be informed of this outcome in the decision.

However, where amending the record would effectively expunge, delete or otherwise destroy the record, then the Act requires that the department first seek the approval of the Keeper of Public Records (the Keeper). Your records can only be amended in this manner if the Keeper approves. Where the department supports your request for such an amendment, it will prepare a request for the Keeper and argue why your request should be approved. The department will inform you of the Keeper's decision.

Notations

If the department decides that it will respond to your request by adding a notation to the original record (rather than by amending the original record), this notation shall:

- specify how the information being notated is incorrect, incomplete, misleading, out of date; or
- where the information is out of date, shall provide new information to bring it up to date.

What options are available to me if the department refuses my request?

If the department decides that it will refuse your request, you may be given the opportunity to append (that is, attach) your own statement to the file. This is often a positive outcome as it allows you to directly address the information you believe to be incorrect with your own version, whilst not removing or altering the original problematic material.

If this option is available to you, a freedom of information officer will discuss it with you in more detail.

This type of outcome is not legislated, but is an administrative decision (that is, the decision is at the discretion of the department).

What if I'm not satisfied with the department's decision?

If the department refuses your request, or you do not agree to the form of change that the department chooses, then you may request a review of this decision from the Victorian Information Commissioner. Requests for review must be made in writing within 28 days of you receiving the department's decision.

Requests for review must be made in writing within 28 days of receipt of the department's decision and addressed to:

Victorian Information Commissioner
Office of the Victorian Information Commissioner
PO Box 24274
Melbourne Victoria 3001
Phone: 1300 842 364
enquiries@foicommissioner.vic.gov.au

Review application forms are available on the Commissioner's website: www.ovic.vic.gov.au

If your request relates to health information, you may refer the matter to the Health Services Commissioner (HSC) for conciliation as an alternative to requesting a review from the Freedom of Information Commissioner. You will need to contact the HSC within 28 days of receiving the department's decision.

The Health Services Commissioner is located at:

Health Services Commissioner
Level 30, 570 Bourke Street
Melbourne Victoria 3000
Phone: (03) 8601 5200
Toll Free: 1800 136 066
Fax: (03) 8601 5219
Web: www.health.vic.gov.au/hsc/

Need more information?

For further details about how to request an amendment to information held by the Department of Families, Fairness and Housing, please telephone (03) 9096 8449 or 1300 650 172.

To receive this publication in an accessible format phone (03) 9096 8449, using the National Relay Service 13 36 77 if required, or email.foi@dfh.vic.gov.au

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