# Amending Personal InfoRmation

### CMTEDD FOI FACTSHEET



## The ACT Freedom of Information Act 2016 (the FOI Act)

The FOI Act gives a legal right to:

* access government information unless access to the information would, on balance, be contrary to the public interest;
* request information concerning you to be changed if it is incomplete, out-of-date, incorrect or misleading; and
* appeal against a decision to restrict access to a document or refuse to amend/annotate a personal record.

## What is Government Information?

Government Information is information held by an agency or Minister, excluding information relating to a Minister’s personal or political activities or created or received by a Minister in the Minister’s capacity as a Member of the Legislative Assembly.

Government Information can include papers and other materials on which there is writing and any other material from which sounds, images or writing are capable of being reproduced. This includes emails and other electronic records, texts, voice mail, maps, diagrams, plans, photographs, film, sound and video recordings, notebooks and diaries.

By its nature Government Information can include details about other persons or organisations, including other governments. This information is considered third party information for the purposes of the act (See Third Party Consultation FOI Factsheet).

## What can be amended?

A person can seek amendments to personal information held by a government agency about them that is incomplete, incorrect, out of date or misleading and is used, has been used or is available for use by the agency.

## How does an individual request an amendment?

Requests for amendments should be made in writing to the Directorate. A request can be sent to:

The FOI Information Officer
Chief Minister, Treasury and Economic Development Directorate

Email to: CMTEDDfoi@act.gov.au

Post to: GPO Box 158
 CANBERRA ACT 2601

Deliver to: Canberra Nara Centre
 1 Constitution Avenue
 CANBERRA ACT

A request must:

* include enough detail to enable the Directorate to identify the government information to be amended; and
* state how the government information is incomplete, incorrect, out of date or misleading; and
* state the amendments the person considers necessary for the information to be complete, correct, up to date or for it to no longer be misleading; and
* include an email or postal address that notices under this act may be sent to the person.

Note: CMTEDD can only deal with requests relating to information held by CMTEDD. For amendments to information held by other ACT Government agencies, requests should be made to the agency holding the information.

## How is a request to amend information dealt with?

The Information Officer, Information Access Team within CMTEDD Corporate will consider any request to amend information held by CMTEDD.

A decision will be made to either amend or refuse to amend the information. Where the Information Officer is intending to refuse to amend the information, they will tell the applicant of the intention to refuse to amend the information, and provide the applicant with a reasonable opportunity to respond and provide any additional information relevant to the request.

The Information Officer has 20 working days to make a decision. If the Information Officer is intending to refuse a request the time given to the applicant to consider the proposed decision is not included in the 20 working days.

Once the decision has been made the Information Officer must provide the applicant with a copy of the amended information. Or, if the decision is to refuse to amend the information, a statement of reasons for the refusal.

## Can I appeal the decision?

The applicant can appeal a refusal by an agency to amend government information relating to the individual.

The Appeal should be made to the Ombudsman. The [Ombudsman’s website](http://www.ombudsman.act.gov.au/Freedom-of-Information) (www.ombudsman.act.gov.au/Freedom-of-Information) provides details of the process for requesting a review including an [Applying for an Ombudsman Review](http://www.ombudsman.act.gov.au/__data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf) form.

## Further Information

Further information on this factsheet can be obtained from the Information Officer, Information Access Team.

Chief Minister, Treasury and Economic Development Directorate

Email: CMTEDDfoi@act.gov.au

Phone: (02) 6207 7754