

# Information Act 2002 Guideline

## Correcting Personal Information

February 2021

### What information can I apply to have corrected?

The *Information Act 2002* gives you a right to apply to correct **personal information** about you held by Northern Territory **public sector organisations**.

Personal information is government information from which your identity is apparent or can be reasonably ascertained<sup>1</sup>. Government information means records required to be kept by NT public sector organisations as evidence of their activities. It includes computer records.

It is limited to records held by the organisation. It does not cover knowledge or views held by staff unless they have been recorded. It does not cover documents that once existed but have been destroyed in accordance with record disposal schedules.

An organisation does not have to correct information that is historical only.

### What is correction?

‘Correct’ means alter by way of amendment, deletion or addition<sup>2</sup>.

### What is the basis for correction?

You can apply to have personal information about you corrected on the grounds that it is **inaccurate, incomplete** or **out of date**.

### Where do I apply?

You apply to the public sector organisation that holds the information. Public sector organisations include government departments and agencies, local government councils or a statutory corporation. For a full list refer to the website of the Office of the Information Commissioner.

Before you make an application, you will probably find it useful to contact the organisation to talk about whether an application is necessary and the best way to word the application.

If the organisation you apply to does not hold the information or there is an organisation better placed to deal with the application, the organisation you applied to can transfer your application to the other organisation.

### What does it cost?

The *Information Regulations* do not provide a fee for an FOI correction application.

### What are the requirements for an application?

Your application should:

- be in writing;
- include your name and an address for correspondence;
- give enough detail to identify the information you want to correct;
- give details of why you believe the information is **inaccurate, incomplete** or **out of date**; and
- specify the correction you want to make.

### Is there a form that I have to fill out?

Some organisations have their own forms for making an application or you could use a form from the Information Commissioner’s website. You don’t have to fill in a form to make an application as long as you satisfy the above requirements so that the organisation can contact you if something further is needed.

<sup>1</sup> Section 4A *Information Act 2002*

<sup>2</sup> Section 4 *Information Act 2002*

## How do I describe the information I want to correct?

Government organisations have a lot of information, so the more specific you can be about the information you want corrected the better. It will be useful if you can provide a copy of the document containing the information and either mark the information for correction or describe the relevant word, sentence or paragraph. You need to have seen or accessed the documents before you can apply to have them amended.

## How long will it take to process my application?

The organisation has 30 days to provide you with a decision in writing. However, this time period can be extended if:

- the application relates to a large amount of information
- extensive searches are required to locate the information
- complying with the period would unreasonably interfere with the operations of the organisation
- the organisation transfers your application to another organisation. (The first organisation has 15 days to transfer your application. The other organisation then has 30 days from the date of transfer to make the decision.)

If you do not receive an extension of time in writing or a decision within 30 days of your application, the organisation is taken to have refused your application (s32(3)).

## Application that does not meet requirements

If your application does not meet the requirements of the Act, the organisation will try to contact you to let you know what the problem is and give you the chance to fix it.

## Will the information be corrected?

After considering your application, the organisation provides you with a written notice of its decision.

It can:

- make the correction you specify;
- make a different correction;
- refuse to correct the information.

If the organisation does not make the correction you specified it must explain the reason why it made a different correction or refused to make a correction.

## What if I don't get the correction I wanted?

If you are not satisfied with the decision, you can -

- request that the organisation take reasonable steps to associate with the information a statement of your opinion that the information is inaccurate, incomplete or out of date; or
- apply in writing for internal review by the organisation.

You can also apply for internal review if you have not received a notice of decision within 30 days of the organisation receiving your application (unless the organisation has notified you of an extension of time to make the decision).

If you are not satisfied with the outcome of the internal review, you can complain to the Information Commissioner.

## Useful Links:

Forms are available from:

<https://infocomm.nt.gov.au/resources/forms>

Public Sector Organisation details:

<https://infocomm.nt.gov.au/contact/public-sector-organisations>

This guideline is produced by the Information Commissioner to promote awareness and understanding about the *Information Act 2002*. It is not a substitute for the Act. You should read the relevant provisions of the Act to see how it applies in any particular case. Any views expressed in this guideline about how the Act works are preliminary only.