



Freedom of information — Your personal information

September 2014

When Australian Government agencies and ministers' offices collect, store, use and disclose any personal information about individuals, they must comply with the [Australian Privacy Principles](#) (APPs) under the [Privacy Act 1988](#). The APPs apply if you request access to your personal information or ask for incorrect information about you to be corrected. You also have enforceable rights under the [Freedom of Information Act 1982](#) (the FOI Act) to request access to your personal information and to have the information amended if it is out of date, misleading, incorrect or inaccurate. Decisions made by agencies and ministers under the FOI Act can be reviewed by the Australian Information Commissioner. You can also make a complaint about how an agency handled your matter under the Privacy Act or the FOI Act.

What is 'personal information'?

Personal information is information that identifies you or could identify you. Your name and address are obvious examples. In some cases, your date of birth and post code may be enough to identify you. Personal information can also include medical records, bank account details, photographs, videos, and even information about your opinions and where you work – basically, any information where you are reasonably identifiable.

The Privacy Act and the FOI Act define 'personal information' in the same way:

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not and
- (b) whether the information or opinion is recorded in a material form or not.

Accessing your personal information

In many cases agencies will give you access to your personal information if you ask for it, without requiring you to follow a formal process under the FOI Act. For

example, the Australian Taxation Office will give you copies of your recent notices of assessment. Centrelink will give you copies of documents such as your claim or review forms, letters or notices they have sent to you, and medical certificates and reports.

You also have the right to apply for access to your personal information under either the FOI Act or the Privacy Act.

How do I apply under the FOI Act?

You must apply in writing to the agency that holds your personal information. For information about what is required, see [FOI fact sheet 6: Freedom of information – How to apply](#).

If you make an FOI request, the agency or minister must comply with the formal process under the FOI Act to make their decision. If you disagree with the decision, you have the right to seek independent review of the decision (see [FOI fact sheet 12: Your review rights](#)).

How do I apply under the Privacy Act?

[Australian Privacy Principle 12](#) (APP 12) of the Privacy Act requires an agency or minister to give you access to your personal information, except when the law provides otherwise. You need to contact the agency that holds your personal information and request access. You do not have to make your request in

writing or state that you are requesting access under APP 12. However it may help with the processing of your request if you follow any agency request procedures (for example, the agency may have a dedicated email address for information requests). If you disagree with the agency's decision, you can complain to the Information Commissioner.

Can I get my personal information corrected when it's wrong?

Yes. The FOI Act gives you the right to ask for your personal information to be amended if you have been given access to it and you believe the information is incomplete, incorrect, out of date or misleading. You can do this by writing to the agency or minister under the FOI Act. This right applies to personal information that has been or is being used, or is available for use, by the agency or minister for an administrative purpose.

Australian Privacy Principle 13 (APP 13) of the Privacy Act also gives you the right to ask an agency to correct your personal information held by the agency. If you think an agency holds incorrect information about you, you should contact the agency and ask them to correct it. You do not have to make your request in writing or state that you are seeking correction under the Privacy Act.

What if I disagree with the decision?

If you disagree with an agency's FOI decision not to amend a document, or to amend a document in a different way from the way you requested, you can ask the agency to review its decision. You can also ask the agency or the minister to annotate the information (that is, to add to the document a statement or file note that reflects your disagreement).

You also have the right to ask the Information Commissioner to review the agency's or minister's decision under the FOI Act. For more details on your review options, see [FOI fact sheet 12: Your review rights](#).

If you disagree with a decision about correcting information under the Privacy Act, you can complain to the Information Commissioner.

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

For further information

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Or visit our website at www.oaic.gov.au