## Request for amendment form: section 39 - Freedom of Information Act 1982 (Vic)

Section 39 of the *Freedom of Information Act 1982* (Vic) (**FOI Act**) allows you to request an amendment to a document in your possession containing your own personal information where you believe your information is incorrect or misleading.

An amendment cannot have the effect of deleting or expunging the information recorded in a document. Generally, this means the amendment will be an addition or notation on the document.

You can also make an amendment request if you are the next of kin of a deceased person and you are seeking an amendment to that individual’s information.

**Making an amendment request**

Section 40 of the FOI Act states a request for an amendment must:

1. be in writing;
2. provide an address where a decision can be sent;
3. specify how the information is inaccurate, incomplete, out of date or misleading; and
4. specify the amendments you are requesting.

For more information on making an amendment request, visit the Office of the Victorian Information Commissioner’s (**OVIC**) website [**www.ovic.vic.gov.au**](https://ovic.vic.gov.au/freedom-of-information/for-the-public/requesting-an-amendment/).

**Fees and charges**

No, there are no fees or charges associated with making a request under section 39 of the FOI Act.

**Obtaining a copy of the document**

To make an amendment request, the document you want the agency to amend must be in your possession, as well in the possession of the agency. It does not matter whether or not that document was obtained under the FOI Act.

**After you submit a request**

After you submit a request the agency will assess it to make sure it meets the requirements in section 40 of the FOI Act. If the agency determines your request is not valid, it will notify you and advise how to make it valid. If your request is valid, the agency will begin processing it.

**Timeframes**

An agency has up to 30 days from the date it received your valid request to provide you with a decision.

**How your personal information may be handled**

By submitting this form, you are providing your personal information to the agency. Your personal information will be used for the purpose of processing your amendment request. You should contact the agency directly and discuss if you have any concerns about how the agency may handle your personal information.

1. **Contact details**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Your details** | | | | | | | | | | | | | |
| Title: |  | | | First Name(s): |  | | | | | Surname: | |  | |
| Organisation (*if applicable*): | | | | |  | | | | | | | | |
| Email address: | | | | |  | | | | | | | | |
| Contact number(s): | | | | |  | | | | | | | | |
| Postal address: | | | | |  | | | | | | | | |
| Suburb: | |  | | | State/Territory: | | |  | | | | Postcode: |  |
| Preferred contact method: | | | | |  | | | | | | | | |
| Do you need an interpreter? | | | | |  | | | If yes, what language? | | | |  | |
| **Details of your representative (*if applicable*)** | | | | | | | | | | | | | |
| *If you are using a representative like a parent, guardian, lawyer or any other person who is acting on your behalf, please advise who they are. If you are completing this form as the applicant’s representative, advise who you are.* | | | | | | | | | | | | | |
| Title: |  | | | First Name(s): |  | | | | | Surname: | |  | |
| Organisation (*if applicable*): | | | | |  | | | | | | | | |
| Email address: | | | | |  | | | | | | | | |
| Contact number(s): | | | | |  | | | | | | | | |
| Postal address: | | | | |  | | | | | | | | |
| Suburb: | |  | | | State/Territory: | | |  | | | | Postcode: |  |
| Preferred contact method: | | | | |  | | | | | | | | |
| Relationship to applicant: | | | | |  | | | | | | | | |
| **Your authority for representative to act (*if applicable)*** | | | | | | | | |  | | | | |
| *Please complete this section if a representative is assisting you with your request and attach a certified copy of your photo identification with this authority to act.* | | | | | | | | | | | | | |
| I give permission and authorisation for my representative to act on my behalf and have access to any information concerning my request. | | | | | | | | | | | | | |
| *Applicant* | | |  | | |  | *Representative* | | | |  | | |
| Name: | | |  | | |  | Name: | | | |  | | |
| Signature: | | |  | | |  | Signature: | | | |  | | |
| Date: | | |  | | |  | Date: | | | |  | | |
| *Witness* | | |  | | |  | *Witness* | | | |  | | |
| Name: | | |  | | |  | Name: | | | |  | | |
| Signature: | | |  | | |  | Signature: | | | |  | | |

1. **Specify what amendment or amendments you are requesting and explain how the information is inaccurate, incomplete, out of date or misleading**

In this section please identify the specific information you want amended and how that information is inaccurate, incomplete, out of date or misleading. You can provide supporting documentation if it helps explain why you believe the information needs to be amended. When providing an explanation or evidence, think about:

* Inaccurate: Why is the information untrue or incorrect?
* Incomplete: What specific information is missing?
* Out of date: How have the circumstances changed since that time?
* Would give a misleading impression: Who would be misled and how?

You also need to detail what notation or correction you would like made to the information or document. Under section 41 of the FOI Act, an amendment to a record may be done either by:

* altering the record (without deleting the current information); or
* adding an appropriate notation to the record.

If you complete this form using a computer, the text boxes will automatically resize as you type. Copy and paste the table as many times as you need for each amendment you are requesting.

***Amendment 1***

|  |
| --- |
| **Identify the information you want amended.** |
| **Specify how it is inaccurate, incomplete, out of date, or misleading.** |
| **What is the correction or notation you are requesting?** |

***Amendment 2***

|  |
| --- |
| **Identify the information you want amended.** |
| **Specify how it is inaccurate, incomplete, out of date, or misleading.** |
| **What is the correction or notation you are requesting?** |

*Repeat as necessary*

1. **Submitting your request**

You must provide this form to the agency that is in possession of the document. You can send your request to the relevant agency by email or post. If you are unable to send your request via these methods, please contact the agency to discuss other options.

Visit ‘[Find an agency](https://ovic.vic.gov.au/freedom-of-information/for-the-public/find-an-agency/)’ on OVIC’s website to search for contact details for all Victorian agencies subject to the FOI Act.

**Further assistance**

If you have questions about how to make your request or need more information about freedom of information, you can contact the agency who has the documents you are requesting to be amended, or contact OVIC on the details below.

OVIC does not process requests on behalf of, or for other agencies. You must submit this form to the relevant agency.

Email: enquiries@ovic.vic.gov.au

Telephone: 1300 006 842

Website: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)