

Privacy information sheet 3

Access and Correction to Personal Information

Access

Organisations that are subject to the *Privacy Act 1988 (Commonwealth)* have specific obligations requiring them to grant individuals access to their personal information held by the organisation. These obligations are set out in National Privacy Principle (NPP) 6. Generally, NPP 6 obligations include:

1. granting an individual access to personal information held about him or her if they ask for it – unless one of the NPP 6 exemptions apply
2. withholding access as and when required by law
3. wherever it is reasonable, correcting personal information at the request of individual.

Charging for access

An organisation must not charge an individual for lodging a request for access to personal information. However, individuals may be charged for the administrative costs involved in providing them with access to their information. If organisations do charge for providing access, access charges should not discourage an individual from attempting to access their personal records and must not be excessive.

Amending personal information

If an individual believes that personal information that the organisation holds about him or her is not current, accurate, or complete they may ask to have it amended. Organisations must take reasonable steps to correct the information.

If an individual makes a straightforward request—for example, to change their address—an organisation can make this type of change quite easily provided that it has confirmed the identity of the individual.

In situations where individuals and the organisation are unable to agree about the accuracy of personal information, the individual may request the organisation to attach a statement that summarises the individual's claims that the information is not accurate, current, or complete.

Denying access

An organisation should refuse to grant individuals access to their stored information, if providing access would result in:

1. a serious and imminent threat to the life or health of any person
2. an unreasonable impact on the privacy of others.

Access may also be refused if:

1. the request for access is frivolous or vexatious
2. the information relates to existing or anticipated legal proceedings between the organisation and the individual
3. access would interfere with negotiations
4. access would be unlawful
5. access would be likely to interfere with an investigation into unlawful activity.

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Organisations must give reasons

An organisation must give an individual its reasons for denying access or refusing to correct personal information. Organisations should tell the individual which exception listed under NPP 6.1 it is relying on to refuse access.

However, if such a disclosure would prejudice an investigation into fraud or any other unlawful activity, the organisation would not have to tell the individual its reason/s for denying access.

Complaints

Complaints about alleged breaches of privacy can be made to the federal privacy commissioner. The commissioner can investigate, conciliate and, if necessary, make determinations about complaints. However, the commissioner will not investigate, unless the complainant has first complained formally to the organisation concerned, and the organisation is covered under the *Privacy Act 1988 (Commonwealth)* or has notified the Federal Privacy Commissioner that they have opted to be covered under the Act.

Organisations may wish to implement an internal complaints-handling process to ensure complaints are dealt with consistently and appropriately.

Additional information

More information is available from:

1. the Office of the Federal Privacy Commissioner www.privacy.gov.au
2. the Privacy Hotline 1300 363 992 (local call charge)
3. the department's Privacy Contact Officer (07 3224 5850).

Disclaimer

This information sheet is intended as a reference to privacy legislation. It offers general discussion and explanation on a range of privacy issues. However, it does not cover all circumstances faced by the diverse range of organisations in the non-government sector. This information sheet is advisory only and does *not* represent legal advice. If advice of a legal nature is required, independent legal advice must be sought and the content of this information sheet cannot be relied upon.