



Australian Government

Department of Immigration
and Border Protection

Request for amendment or annotation to personal records

Form
424C

Important – Please read this information carefully before you complete the request. Once you have completed your request we strongly advise that you keep a copy for your records.

Your rights

Under the *Privacy Act 1988* (the Privacy Act) the Department of Immigration and Border Protection (the department) is required to ensure that records containing personal information are accurate. Where possible the department will amend your records in accordance with the Privacy Act.

In addition, the *Freedom of Information Act 1982* (the FOI Act) gives you the right to:

- ask for your personal information to be changed or annotated (a note put with your records giving your views) if it is incomplete, incorrect, out of date or misleading and which has or had an administrative purpose; and
- seek a review of a decision not to change your personal record.

Where the department is unable to amend your records under the Privacy Act, your application will be taken to be a request for amendment under the FOI Act from the date that your request is received by the department.

What information can you have amended?

The Privacy Act and FOI Act allow for the department to amend a document in the possession of the agency. This includes electronic records of your identity and the physical files held by the department. The amendment provisions of the Privacy Act and FOI Act do not extend to documents not in the possession of the agency.

Note for Australian citizens:

Under the *Australian Citizenship Act 2007* it is an offence to alter an evidence of Australian citizenship. If the name and/or date of birth on your citizenship certificate is incorrect or has changed since you acquired your Australian citizenship and you wish to obtain a new evidence of citizenship with your correct or changed biographical information, you must complete form 119 *Application for evidence of Australian citizenship* and forward it to the department with the appropriate fee and supporting documentation. You can download form 119 from the department's website www.border.gov.au/allforms/

Note for non-Australian citizens:

Updating your address and/or passport details

To advise the department of the change of your residential address or any changes to your passport details (including where your name in the passport is different to what you have previously advised), you must complete and return form 929 *Change of address and/or passport details*. You can download form 929 from the department's website www.border.gov.au/allforms/

Advising of changes in circumstances or incorrect answers given

If you have a pending visa application, you must advise the department of any changes in your circumstances that affect any answer to a question in your application. To do that, you must complete and submit form 1022 *Notification of changes in circumstances*. If you have supplied any incorrect information in your answers, you must advise the department. To do that, you must complete and submit form 1023 *Notification of incorrect answer(s)*. You can download form 1022 and form 1023 from the department's website www.border.gov.au/allforms/

Advising of changes supported by adequate documentation

Where a non-Australian citizen (who is not an Illegal Maritime Arrival) has adequate documentation in support of an amendment, such as an updated passport or an Australian Government issued marriage certificate, the change may be actioned by counter staff without a formal request.

Special note for Illegal Maritime Arrivals (IMA) and holders of ImmiCard:

Corrections to personal information for ImmiCard holders are no longer actioned under the FOI Act in the first instance. Requests are actioned under Australian Privacy Principle (APP) 13 of the *Privacy Act 1988*. Under the Act the department is required to take reasonable steps to ensure that its records are accurate, up-to-date and complete, relevant and not misleading

If you believe the details on your ImmiCard are incorrect and you have documentary evidence to support the change, you can submit an *ImmiCard amendment request* form available on the department's website www.border.gov.au. The best evidence you can provide is a passport.

If the department is satisfied that your personal information is incorrect or you are granted a substantive visa and a change to your personal information has taken place during the visa process, a new ImmiCard will be issued in the new identity with the previous recorded details printed on the back.

How to make a valid Freedom of Information (FOI) request to amend or annotate

To make a valid FOI request, you must:

- put your request in writing. You can use the attached form, or send a letter detailing your request either by post or email;
- identify departmental information or documents containing your personal information which is incomplete, incorrect, out of date, or misleading;
- provide reasons why you believe this information is incomplete, incorrect, out of date or misleading; and
- include an address to which notices of information may be sent.

If you do not have an Australian postal address, please provide an email address by which the department is able to contact you.

To assist the department to process your request, provide as much supporting evidence and original documentation as possible (see Supporting evidence on the next page for further information). If you are submitting an application for multiple persons, please include a separate form for each person who wants to amend or annotate their records.

How to make a FOI request to access documents or information

Under the FOI Act you also have a right to request access to copies of documents held by the department. To make a FOI request to obtain copies of documents you can use form 424A *Request for access to documents or information*, available from the department's website www.border.gov.au/allforms/ or at the nearest office of the department.

Can someone else make a FOI request for you?

You may ask someone else, such as a friend or migration agent, to make a request for you. If you nominate a friend or migration agent to act on your behalf, you must fill in Part C of this form. All notices regarding your request will be sent to them.

If you change your nominated friend or migration agent, it is important that you advise us as soon as possible.

What will a FOI request cost?

Nothing. There are no charges for requesting an amendment or annotation of your records.

Proof of identity

To ensure your records are securely maintained you should attach a certified copy of photographic identification such as a passport or driver's licence. If you are acting on behalf of another person, including a child under 18 years of age, please include their photographic identification.

Supporting evidence

The department takes its responsibilities to maintain complete, correct and up to date personal records very seriously. We are not required to take a client's claims for amendment at face value. It is in your interest to provide as much evidence as possible to support your claim.

Good examples of evidence include birth certificates, travel documents, marriage certificates, employment or education records and statutory declarations from people who are in a position to support your claim.

You should provide clear, certified copies or your original personal documents. If what you have provided is not clear and/or certified, or the FOI officer believes it may have been fraudulently altered, you may be asked to provide the original document to the department so that we can assess its authenticity.

Any documents in a language other than English must be accompanied by an English translation undertaken by a translator accredited by the National Authority for Translators and Interpreters (NAATI). For more information see www.naati.com.au

Possible legal implications

FOI applicants are advised that amendments to personal details, such as names or date of birth, may have other legal implications. For example in migration cases:

- if an applicant has previously provided incorrect information in a visa application, he or she may be liable to have that visa cancelled under the *Migration Act 1958*;
- changes in name details or details relating to family composition may affect an applicant's ability to sponsor others migrating to Australia;
- holders of refugee or humanitarian visas may have the visa checked for International Protection Obligations.

The department will only use information provided by an applicant where it is lawful to do so.

Where to send your request?

The department processes FOI amendment requests in Melbourne and Sydney.

If you live in Victoria, Western Australia or South Australia, please send your request to:

Freedom of Information Melbourne
Department of Immigration and Border Protection
GPO Box 241
MELBOURNE VIC 3001

Email: foi.vic@border.gov.au

If you live in New South Wales, Queensland, the Australian Capital Territory, the Northern Territory or Tasmania, please send your request to:

NSW Freedom of Information
Department of Immigration and Border Protection
GPO Box 9984
SYDNEY NSW 2001

Email: foi.nsw@border.gov.au

If you currently live overseas please send your request to:

Freedom of Information Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616
AUSTRALIA

Email: foi@border.gov.au

Processing times

Under the FOI Act the standard processing time is 30 days. The department may contact you should an extension of time be required. The department receives many FOI requests. We can respond to your FOI request more easily if we know what specific information or documents you want amended and when you need them.

Compliments and complaints

Your suggestions are valuable to the department and will help to improve our services. To provide compliments or complaints about the department you can:

- contact the Global Feedback Unit, telephone **133 177** (toll free in Australia) during business hours;
- visit the department's website www.border.gov.au; or
- contact the nearest office of the department or Australian mission overseas.

The Australian Information Commissioner

If you are not happy with how the department has handled your request, you can contact the Australian Information Commissioner in the following ways.

Online: www.oaic.gov.au

Telephone: 1300 363 992 (local call charge)

Important information about privacy

Your personal information is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, is contained in form 1442i *Privacy notice*. Form 1442i is available from the department's website www.border.gov.au/allforms/ or offices of the department. You should ensure that you read and understand form 1442i before completing this form.

Further enquiries

If you have an enquiry, please telephone 131 881 (toll-free within Australia) and ask to be directed to the Freedom of Information office for your state or territory, or email the relevant office on page 2. For general information on FOI you should visit the Australian Information Commissioner's website www.oaic.gov.au

Home page **www.border.gov.au**

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

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Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

Part A – Your details

If you are completing this form for a third party or a child under 18 years of age, provide their details at Part A, and your details at Part C or D.

1 Title: Mr Mrs Miss Ms Other

2 Full name
Family name

Given names

3 Have you been known by any other names?
(including name at birth, previous married names, aliases)
No
Yes Give details

Family name
Given names

4 Date of birth Day / Month / Year

5 Any of the following numbers, if known, would assist us to more quickly locate your records

Client ID number (CID)

Client file number (CFN)

Permission Request ID Number (PRID)

Visa class evidence number

Boat ID

First arrival date Day / Month / Year

Citizenship certificate number

Travel document number

6 Your signature

Date Day / Month / Year

7 Your postal address

Postcode

Note: If you do not have an Australian postal address, please provide an email address by which the department is able to contact you. See Question 9 below.

8 Your telephone numbers
Country code Area code Number
Office hours () ()
After hours () ()
Mobile

9 Preferred method of communication
(Tick one box only)
Email Email address
Post
Fax Fax number
Country code Area code Number
() ()

Note: This is how you will be advised of the decision.

10 Do you need an interpreter?
No
Yes Language

11 Please advise if there are any reasons you need your request actioned before the 30 day statutory timeframe. (optional)

Date you require information by Day / Month / Year

Note: You must complete and sign Part E of this form.

Note: Please attach proof of identity as specified on the information pages.

