

Applying to amend DCP records: Factsheet for carers



Government
of South Australia

Department for
Child Protection

Information for carers about the steps to take to access and apply to amend their records with the Department for Child Protection (DCP) under the Freedom of Information Act (FOI Act).

If you, as a carer, believe that DCP has information recorded about you that is incomplete, incorrect, out-of-date or misleading, you can apply to DCP to have the record amended. To access and amend these documents, you need to make an application to DCP's Freedom of Information (FOI) team. This factsheet explains the process. It is important to understand that as a government agency, DCP is required to maintain complete records.

With this in mind, if your application to amend your records is refused, you can, by notice in writing, require DCP to add a notation to the records. A notation can specify why you say the record is incomplete, incorrect, out-of-date or misleading and where you claim it is incomplete or out-of-date, can include information you consider necessary to complete the record or bring it up to date. A notation is added to the original record, it does not change, or amend it.

Key messages

- Carers can apply to access and amend information about them recorded by DCP.
- Applications to access records must follow the *Freedom of Information Act 1991* (FOI Act). This is a legal requirement.
- To access records, a 'Freedom of Information application form' must be sent to the supervisor of the FOI team in writing.
- Usually a fee must be paid for FOI applications, but if you identify yourself as a carer then you won't have to pay.

The FOI process

Accessing and applying to amend a record are two different processes. However, to amend a record you need to be able to provide enough information to identify the document that you say needs to be changed.

For this reason, often an individual first seeks access to the records then makes an application to amend the record. To access and amend a record, you will need to submit two applications to DCP's FOI team.

1 To access a record

The first step is to seek access to the documents that you believe require amending. To access the document, you can make an application to the FOI team.

Information on how to make a FOI application and the relevant application forms can be found on the [DCP website](#). If, after receiving and reading through the records, you still feel that the information in them is incorrect, you can apply to the FOI team to amend the records.

2 To apply to amend a record

To apply to amend a record, there are certain legal requirements under the FOI Act. Applications must:

- Be in writing (this may include handwritten, letter format or email)
- Include a statement that the application is being made under the FOI Act
- Contain information so that the DCP document can be identified (it may be that you provide a copy of the document you believe requires amending to the FOI team with your application)
- Outline what information within the document you claim is incomplete, incorrect, out-of-date or misleading
- Be accompanied by as much information as is necessary to complete the DCP records if you claim the information is incomplete or out-of-date
- Include your address

- ❑ Be lodged at a DCP office. This can be done in person, but the vast majority of applications are received by email.

An application to amend a record does not mean the record will definitely be changed. The application will be reviewed, and an outcome provided by the FOI team within 30 days.

What happens next?

The FOI team will review the application and can either:

- ✔ amend the records, or
- ✘ refuse to amend the records.

If DCP refuses to amend a record, you can require DCP to add a notation to a record. This can be done by writing to the FOI team.

A notation specifies why you claimed that the records are incomplete, incorrect, out-of-date or misleading and where you consider the record is incomplete or out-of-date explains what information you think is needed to complete or bring the records up to date.

If DCP then discloses to any person (including another agency) any information that is contained within a record where a notation is recorded, DCP must provide a statement stating that you claim the information is incomplete, incorrect, out-of-date or misleading and if a notation as added, set out the details of it. DCP can include why they refused to amend a record in their explanation.

Who can I contact?

The FOI team is happy to help you to make your application. This can include identifying what type of documents you are looking for and working out how you might apply to access them.

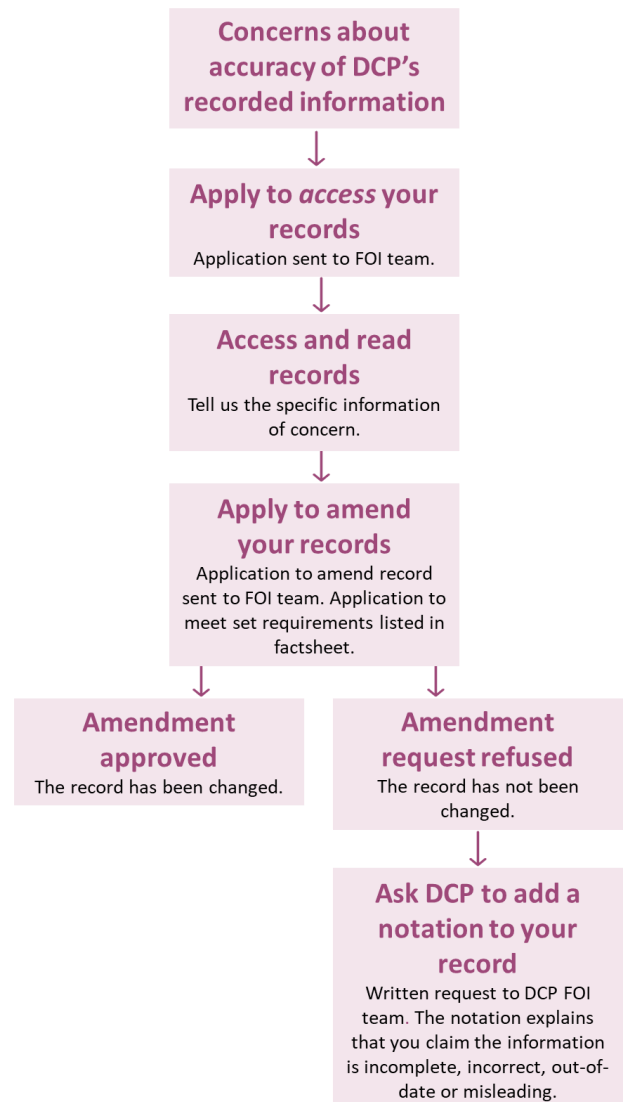
The FOI team can be contacted on (08) 8226 4399 or by email dcp.foi@sa.gov.au.

For support and advocacy services, please contact the peak body, Connecting Foster and Kinship Carers SA. Phone: 1800 732 272, email: support@cfc-sa.org.au, website: <https://cfc-sa.org.au/>

Meeting our commitment

The information in this factsheet is aligned with the Statement of Commitment to foster and kinship carers and our promise to inform, support, consult, value and respect all carers. Find out more at childprotection.sa.gov.au/soc

Flowchart



Where can I learn more?

More information can be found on the [DCP website](#), or through the following documents:

[Freedom of Information application form \(DOC, 91.0 KB\)](#)

[Freedom of Information Act 1991](#)