

Freedom of Information and Protection of Privacy

Procedures for Handling FOIP Requests for Correction to Personal Information

Receiving A FOIP Request for Correction To Personal Information

Nature of the Request

Section 36 of the *FOIP Act* provides that:

- an applicant who believes there is an error or omission in his or her personal information may request the head of the public body that has the information in its custody or under its control to correct the information (section 36(1))
- if no correction is made in response to a request under the above provision, the public body must annotate or link the information with the correction that was requested but not made (section 36(2))
- on correcting, annotating or linking personal information under this section, the public body must notify any other public body or any third party to whom that information has been disclosed during the one year before the correction was requested that a correction, annotation or linkage has been made (section 36(3))
- on being notified under the above provision of a correction, annotation or linkage of personal information, a public body must make the correction, annotation or linkage on any record of that information in its custody or under its control (section 36(4))
- within 30 days after the request under section 36(1) is received, the public body must give written notice to the individual that:
 - the correction has been made, or
 - an annotation or linkage has been made pursuant to section 36(2) (section 36(5))
- the time extensions in section 14 apply to the time period set out in section 36(5) (section 36(6)).

Form of Request

Section 36 provides a process by which an applicant, who believes that there is an error or omission in the information which was received from a public body, may request that body to change their personal information where it is wrong or to provide new information where personal information is missing.

The process for an individual to determine whether or not an error or omission exists in a record is for that individual or a representative to request the personal information about himself or herself in accordance with the procedures set out in Part 1 of the *FOIP Act* and review it.

STEP#1:

An individual submits a written request under the *FOIP Act* for access to their personal information.

Where an error or omission exists, in the opinion of the applicant, a request for correction can be made in the form of a letter or on a Request to Correct Personal Information form.

STEP#2:

An individual submits a written request for correction to personal information under the *FOIP Act*.

STEP #3:

The mailroom date stamps all incoming mail.

STEP#4:

The receiving department will date stamp the FOIP request and immediately forward the request to the FOIP Coordinator, in the Office of the President. This date stamp is in addition to the mailroom date stamp.

STEP#5:

The Office of the President will date stamp the FOIP request upon receipt and immediately forward the request to the FOIP Coordinator. This date stamp is in addition to the mailroom and department date stamp.

STEP#6:

The FOIP Coordinator will date stamp the FOIP request, make appropriate entries into the [FOIP Request logbook](#), and create a central request file upon receipt of the FOIP request.

STEP#7:

The FOIP Coordinator will identify, notify, and review with the appropriate delegated authority the request for correction to personal information. The FOIP Coordinator will document the decision of the delegated authority. The delegated authority will identify any third party notifications that are required.

STEP#8:

The FOIP Coordinator will prepare and send to the requestor, the appropriate documentation relating to the request for correction to personal information. The delegated authority will ensure the required documentation is attached as required to the related records. The FOIP Coordinator and/or delegated authority will notify any third party as required. Model letters [S](#), [T](#), and [U](#) deal with the correction process.

Section 36 requires the University to correct, annotate or link that personal information in their custody or under their control.

The provision establishes a 30-day time limit for the University to notify an applicant that either a correction or an annotation or linkage has been made. This time limit is subject to the extension provisions of section 14 of the *FOIP Act*.

When a request for correction of an error is accepted by the University, all versions of the personal information are corrected in all information systems, paper, electronic and microform. Similarly, when there is acceptance to add omitted information all systems must be updated. A linking mechanism, as described below, may have to be employed when personal information is stored on a medium, such as microform, which may be more difficult to update.

To annotate personal information is to note the requested correction on the record, close to the information under challenge by the applicant. An annotation should be signed and dated.

To link a record means to attach, join or connect the record to the requested correction. A letter or statement from the applicant disputing the facts as presented or disagreeing with an opinion expressed by another person about the applicant would be linked. This could be a copy of the Request to Correct Personal Information with an indication that the University refuses to correct the record or add particular information, or a copy of the disputed personal information changed by the applicant accompanied by a statement that the individual does not accept the changes or additions.

An [Annotation to Personal Information Form](#) on which the University can set out information for which correction was requested but not made is available. This form clearly indicates to users that the information has been linked to a correction request and not corrected. It is filed with, or linked to, the information for which correction is sought.

A copy of this form or equivalent documentation must be sent to the individual requesting a correction at the time that he or she is informed that the correction is not being made (see [Model Letter T](#)). Any further information supplied by the individual after he or she received this notice must be filed with the Annotation Form.

If the Annotation Form, or the Request for Correction Form, cannot be physically attached to the record, a flag maybe placed in the file or system containing the personal information in dispute referring a user to a separate file which contains the actual disputed personal information with an indication that a request for correction or addition of information was made but not accepted.

When designing electronic forms and databases containing personal information, care should be given to allowing for annotations.

When the University makes an annotation or linkage, it must ensure that the new information is stored and retrieved with the original information whenever the information in question is used for an administrative purpose directly affecting the individual involved. As well, annotations must be made available to the individual should he or she request access to his or her personal information.

Correction Refused

The University may refuse or be unable to make a correction which an applicant requests, either because the information is not personal information, the applicant has not submitted adequate proof in support of the requested correction, or the information consists of an opinion rather than fact and the University has come to its own conclusions on the matter.

Section 36 also requires the University to annotate or link to an applicant's file the fact that a correction was requested but the University has refused to correct the information. It goes on to ensure that all other persons and organizations, which have received copies of the personal information within the previous year, are informed of the correction, annotation or linkage so that they can update their records. Therefore, the University must maintain a record of these persons.

Two types of information are likely to be the subject of correction requests—factual information and opinions.

It is fairly easy to determine if factual information is correct and to amend errors. The applicant must submit proof in support of the correction where he or she claims that specific facts are wrong. The proof should be of the same nature and quality as the personal information required when the collection originally took place (for example a birth or baptismal certificate may be required as proof of age when attempting to qualify for a benefit). Where the University is not satisfied with the proof presented by the applicant, it does not change the information but rather annotates or links it.

Opinions are usually subjective assessments or evaluations of an individual's situation, condition, abilities or performance. In these instances, the applicant and the University may well hold differing opinions. Since an opinion is not a fact, an opinion cannot be an error or omission of fact that can be corrected. It is common to attach a description of the information in dispute, a statement that the applicant does not agree with the interpretation on record but the public body has refused to alter it, either through annotation or linking. If practical, the applicant's request may be attached.

Omission of Information

There will be instances where a decision was based on incomplete factual and other information that may alter the opinions held by the University about an applicant. Where an applicant is offering additional information that seems relevant to the process, the University will accept the additional information and reconsiders its decision. Where information is not relevant to the process, the University may refuse to accept the information or accept it but inform the applicant that it will have no bearing on the decision that has been taken.

Notify Other Public Bodies or Any Third Party

The *FOIP Act* obliges the University to inform other public bodies, groups of persons, persons, or organizations that have received an applicant's personal information from the University in the year prior to the request for correction, that the applicant has requested a correction or annotation.

In the case of third parties, other than public bodies, the notification process ensures that these other parties have accurate and complete information for their own decision-making processes.

Public bodies must make any correction, annotation or linkage on the relevant personal information disclosed to them and which is under their custody or control.

Time Limits

The University must give written notice to the individual within 30 days that either the correction has been made or an annotation or linkage has been made. The University may extend the time limit to deal with a request for correction for up to 30 days or, with the permission of the Information and Privacy Commissioner, for a longer period.

Section 14 of the *FOIP Act* governs these extensions and the most likely to apply in correction situations are:

- section 14(1)(a): The applicant does not give enough detail to enable the public body to identify a requested record; and
- section 14(1)(b): A large number of records is requested or must be searched and responding within the time limit would unreasonably interfere with the operations of the public body.

STEP#9:

The FOIP Office will ensure the central request file is complete and includes all the internal and external correspondence, documents, and notes. (For more information refer to the [Freedom of Information and Protection of Privacy Guidelines and Practices: 2002 Edition](#) produced by the Alberta Government)



[Return to Previous Page](#)

L. Gordon, Office of the President, November 2002