

Accessing Records

How do I access information the government holds about me?

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Free legal help to navigate
the Royal Commission

Free advice line 1800 605 762 | Website knowmore.org.au

You might want to access information that the government holds about you for various reasons. Child Protection agencies, courts, schools, hospitals and police, for example, might hold information about you.

This information might be important to:

- your identity and your personal and family history
- making a complaint about what happened to you as a child
- applying for compensation, like showing that you were resident at a children's home or proving what happened to you and that you suffered injury and loss
- talking to the Royal Commission into Institutional Responses to Child Sexual Abuse.

Private organisations, like religious organisations, might also hold information about you. If you want access to these records, then you should read **knowmore's** factsheet: *How do I access records held by a private organisation?*

If you need help getting your records, you can contact **knowmore**.

What should I expect when accessing my information?

The information you uncover may not answer all the questions you want answered. Information might be about you but created for other purposes. This means it may contain minimal information, be inaccurate or not record important events in your life.

Trauma and emotion

Everyone has their own story. Sometimes accessing information about your childhood, especially if you were a ward of the state, can have a significant emotional impact on you.

The information may bring up traumatic memories or feelings of anger, hurt, fear, but also feelings of nostalgia or relief.

It is a good idea to view your information with someone you trust or feel supported by, like a friend or support person.

What are my right to accessing information the government holds about me?

Laws in Australia give you the right to access information the government holds about you. The law also places a duty on the government to search for and release this information to you.

But the law also allows the government to sometimes withhold information. For example, where the information contains another person's personal information or where the information

reveals the government's operations or how they carry out an investigation.

How do I request my information?

Informal requests

The first step to accessing your information is to contact the government department or agency and ask if they will simply hand over your records for free, without a formal application. This is sometimes called 'administrative access' or 'proactive release'.

For example, if you want to access a copy of a statement you made to the police, you could contact the police officer who you spoke to and ask for a copy.

If the government needs to locate the information in the archives and check to make sure you can be given access to the information, you may be asked to make a formal application (see below).

Care Leavers

If you spent time in out-of-home 'care' or in a juvenile justice centre, the child protection agency might have a care leavers unit that you could contact.

You could also contact a free support service called Find & Connect Australia that might help you to access your 'care' records.

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Formal requests

You might need to make a written application to the government department or agency to access the information. You might also need to pay a fee and other charges.

You can usually locate the form on the department or agency's website in the 'Right to Information' or 'Freedom of Information' section. Or, you could call the department or agency and ask for the form to be posted to you and ask them what you will need to do.

It is important that you clearly set out in your application what information you are trying to access. For example, 'All information relating to [your name]'s time in 'care' or 'The police report I made in 1971 to Geelong Police Station about XX'.

You can contact **knowmore** for advice about how to write your request.

What else do I need to know?

Information that cannot be found or that has been destroyed

The older the information you want, the more likely the information may have been destroyed or cannot be found. This is because record-keeping standards have varied over time and sometimes State Records may have authorised the government to destroy the records after a certain period of time.

Waiving or reducing fees

Sometimes you might be able to ask the government department to waive or reduce the fees you will be required to pay to access the information. This is not always possible, but you should ask the government department if it can be done. Some support services, like Find & Connect Australia, might also pay for these fees on your behalf.

Withholding information to protect privacy

The law generally says that the government cannot give you another person's personal information, like names and addresses. This is because the government must balance your right to information against the other person's right to privacy. It is a balancing exercise. Withholding the information is not automatic.

Asking for a review of a decision

If you disagree with the government's decision to refuse you access to information, you might be able to ask the government to reconsider its decision or ask an external agency such as an Ombudsman to look at the decision.

Contact knowmore

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