



Australian Government

Department of Immigration
and Border Protection

Request for access to documents or information

Form
424A

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

You have a right to request access to your own personal information under the *Privacy Act 1988* (the Privacy Act). Under the *Freedom of Information Act 1982* (the FOI Act) you can also access copies of documents (except exempt documents) held by the Department of Immigration and Border Protection (the department) and other Australian Government departments.

The department will attempt to release the information in line with our open and accountable culture. If your request can be processed under the Privacy Act, it will either be processed by the FOI team or sent to the relevant business area of the department, to be completed within 30 days.

Where your request is likely to be complex or take longer than 30 days we will process your request under the FOI Act. At any time you can ask for your request to be treated as a request under the FOI Act. Please note, where we are able to process your request under the Privacy Act and you inform the department that you would like the request to be actioned under the FOI Act, the legislative timeframe under the FOI Act will commence from that date.

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

Access to your personal information under the Privacy Act

Under the Privacy Act you may obtain original documents which you have given to us or copies of personal documents on your file which you have provided to us or that we have sent to you.

You can contact your current departmental case officer or any office of the department and ask for your documents. For a list of our offices please check the department's website at www.border.gov.au. However, if the documents you seek are not located at that office you may be asked to complete this form or put your request in writing. If your request relates to the documents or personal information of another person, you may need to make a request under the FOI Act.

The Privacy Act requires that the department responds to requests for access to personal information within 30 days. Further information is contained in form 1442i *Privacy notice*.

Access to documents under the FOI Act

Under the FOI Act you can access documents held by the department, including policy documents and personal information, subject to exemptions necessary to protect essential public or private interests.

Access to specific personal information held by the department

If you are seeking:

- Evidence of your Australian Citizenship, please complete form 119 *Application for evidence of Australian citizenship*.
- Evidence of your residence status in Australia please complete form 164 *Application for evidence of resident status in Australia*.
- Your International Movement records, please complete form 1359 *Request for international movement records*.
- Your superannuation status, please complete form 1194 *Certification of Immigration Status and/or request to cancel a Temporary Resident visa*.

These forms are available online www.border.gov.au/allforms/ or from any office of the department.

Access to departmental documents held by the National Archives of Australia

Documents considered to be in the 'open access' period under the Archives Act are held by the National Archives of Australia. To enquire about any such departmental documents please visit the National Archives of Australia 'ask a question' website www.naa.gov.au/collection/using/askquestion/index.aspx

Note: Requests for access to personal information must be directed to the department in the first instance.

Can someone else make a 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 for your FOI request, it is important that you advise us as soon as possible.

If you want documents or information about another person

To assist us in deciding if we can provide another person's information to you, please provide evidence of your authority to ask for their information. For example, if they consent to your request, please provide evidence of this or have them complete Part D of this form where indicated. That person will also usually need to provide proof of identity (such as a Passport or Driver's licence). If you are unable to provide authority, please provide a reason why you believe this information should be released to you.

How to make a valid Freedom of Information (FOI) request for access

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. If you do not use this form you must state that your request is made under the FOI Act;
- describe in detail the documents you wish to access; and
- include details of how notices of information may be sent to you.

Proof of identity

If you are requesting your own personal documents please include a certified copy of some form of photographic identification (such as a Passport or Driver's license) to assist us in processing your request.

Amending or annotation your personal information

You may ask that your personal information be changed if it is inaccurate and has been used or could be used for an administrative purpose. See form 424C *Request for amendment or annotation to personal records*.

Where to send your request

The department processes requests for documents in Melbourne, Sydney and Canberra.

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 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

What will a FOI request cost?

There is no charge to access your own documents.

The costs relating to FOI requests for other documents, such as policy documents or documents about people other than yourself, are determined by the *Freedom of Information (Charges) Regulations 1982*. The department may ask for payment of charges for processing your request as follows:

Search and retrieval of documents	AUD15.00 per hour
Decision-making/consultation	AUD20.00 per hour
Photocopying documents	10 cents per page
Postage	Actual cost
Supervised inspection of documents	AUD6.25 per half hour or part thereof

The first 5 hours of decision-making time will be free.

Deposits

Where the estimated charge for processing your request exceeds AUD25.00, we may ask you to pay a 25% deposit before we can proceed.

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 and can respond to your FOI request more easily if we know what specific documents you want access to and when you need them (see Question 13).

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 Office of the Australian Information Commissioner in the following ways:

Online: **www.oaic.gov.au**

In writing: GPO Box 2999
CANBERRA ACT 2601

Telephone: 1300 363 992 (local call charges apply)

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.

12 Do the requested document(s) or information relate to another person (eg. spouse, dependants and other parties involved in your application)?

No

Yes ▶ Ensure you also complete Part D

13 Urgency (*optional*) – Please advise if you have an application at any of the following (please include hearing dates):

Administrative Appeals Tribunal (AAT) ▶ Date

Day	Month	Year
/	/	

Court ▶ Give details

Date

Day	Month	Year
/	/	

Ministerial Intervention

Visa cancellation ▶ Date

Day	Month	Year
/	/	

Other ▶ Give details

Reason for urgency

Date you require information by

Day	Month	Year
/	/	

14 How would you like to receive your decision?

Email

CD

Paper

Other ▶ Give details

The department will endeavour to provide the decision in your preferred format.

Part C – Consent for person to act

15 Do you want to authorise someone to obtain access to the document(s) described in Part B?

No ▶ **Go to Part D**

Yes ▶ Please complete the authorisation below

I hereby authorise (full name of other person)

Title: Mr Mrs Miss Ms Other

Family name

Given names

Migration Agent Registration Number (MARN)

(if this person is an Australian registered migration agent)

7 Digits
: : : : :

whose signature appears below, to obtain access to the document(s) described in Part B, in accordance with the FOI Act.

Address of other person

Postcode

Telephone (Area code)

Email address

Your signature



Date

Day	Month	Year
/	/	

Signature of other person



Date

Day	Month	Year
/	/	

16 Preferred method of communication

(Tick one box only)

Email ▶ Email address

Post

Fax ▶ Fax number

Country code	Area code	Number
()	()	

Part D – Request for release of document(s) or personal information of another person

17 Are you requesting document(s) and/or information about another person?

No ► **Go to Part E**

Yes ► Provide details

Third party's full name

Title: Mr Mrs Miss Ms Other

Family name

Given names

Date of birth Day Month Year

Address

Postcode

Telephone numbers

Office hours Country code Area code Number

After hours Country code Area code Number

18 By what authority are you requesting this person's document(s) or information?

With consent ► **Go to Question 19**

Without consent ► **Go to Question 20**

19 Attach evidence of consent or ask the person to sign below

/(full name)

consent to the Department of Immigration and Border Protection releasing the document(s) or information about me set out in this request to the applicant.

Signature

Date Day Month Year

►► **Go to Part E**

20 Provide the basis of request or other authority (eg. for law enforcement purposes, required by law). *Attach any supporting documents.*

Part E – Young people and people under representation

21 Is your request on behalf of a person you represent (eg. an executor or receiver)?

No

Yes ► Provide details of your capacity to act for them and attach evidence of your appointment (eg. probate of a will or court order)

22 The release of information of or about persons under 18 years of age may require their consent if they are capable of making independent decisions about their own information.

Do you want to access information about child(ren), under the age of 18 years, in your role as parent or guardian?

No

Yes ► Provide their details

Child's full name

Family name

Given names

Date of birth Day Month Year

If more than one child, attach additional details.

I certify that I have parental responsibility for this child and that there are no Court orders or any other circumstances or causes which affect my parental responsibility for this child.

Your signature

Date Day Month Year

Part F – Declaration

23 WARNING: Giving false or misleading information is a serious offence.

I declare that:

- I am aware that any person who provides false or misleading information, or who deceives or misleads, or who presents a forged document to an Australian Government official, may be prosecuted.
- I have read the information contained in form 1442i Privacy notice.
- I understand the department may collect, use and disclose my personal information (including biometric information and other sensitive information) as outlined in form 1442i Privacy notice.

Your signature



Date

Day	Month	Year
/	/	

Part G – Checklist

24 Please indicate the documents attached to this request.

Proof of identity:

- Passport
- Driver's licence
- Travel document
- Other ▶ Please specify

We strongly advise that you keep a copy of your application and all attachments for your records.