

Fact Sheet: Request for Correction of Personal Information

The *Protection of Privacy Act* (POPA) provides the right to request correction of personal information.

Individual Right

Section 7 outlines the rights and limitations of an individual to request a correction of their personal information held by a public body, as well as the responsibilities of a public body on how to act on that request.

An individual has the right to request a correction of personal information, not a right to have a correction made. Requests for corrections can be made for factual information, *not* opinions on the individual.

Correcting Factual Information vs Opinions

When public bodies consider requests for correction of personal information, it is important to distinguish between the two types of information:

Factual information, such as age, date of birth, income information or qualifications.

- The individual must provide proof in support of the request that is of the same nature and at least the same quality as the personal information required when the original collection took place.
- Examples of documents that might be required to prove facts include a birth or baptismal certificate to prove age, or a notice of assessment from the Canada Revenue Agency to prove income.
- Factual information does not need to be corrected if the facts are in dispute and it is not possible to make a factual determination about the issue through the inquiry process.

Opinions, such as subjective assessments or evaluations of an individual's condition, abilities or performance.

- A public body cannot correct an opinion, including a professional or expert opinion.
- The significance of an opinion may be that it reflects another person's view at the time it was offered, and it may be important to have a record of that view at a later date.
- POPA allows an individual to have their views about that opinion added to the record for other readers to consider.

Integrating Corrections into Public Body Privacy Operations

As part of their privacy management program and privacy impact assessment requirements, a public body must have a policy and procedure to address responding to requests for the correction of an individual's personal information under section 7.

How a Correction Request is Made

An individual may ask for personal information to be corrected and supply proof of correction in a non-formal way. Public bodies may make corrections without a formal request under POPA if it is practical and expedites public business.

However, where, in the opinion of the individual, an error or omission exists, a request for correction should be made to the public body in writing via the Correction of Personal Information Form. This form documents key details that can be referenced should explanations of decisions be needed or if a review by the Information and Privacy Commissioner occurs regarding the correction, including any annotations, linkages or refusals of the correction request.

Making a Correction

A correction should be both pertinent to the subject matter and significant in its content. When a public body decides to correct an error, all records containing the personal information must be corrected with an annotation of the date of the correction. This includes records in all information systems like, for example, paper files or electronic databases. Similarly, when a public body decides to add omitted information, all systems must be updated.

To annotate personal information means to add the requested correction to the original record, close to the information under challenge by the applicant.

- An annotation should be signed and dated.
- When designing electronic forms and databases, a provision should be made for allowing annotation.

A linking mechanism may have to be employed when personal information is stored on a medium that may be more difficult to update.

To link a record means to attach, join or connect the record to the requested correction.

- This may consist of a letter or statement from the individual, or a copy of the Request to Correct Personal Information Form.

A public body must give written notice to the individual within 30 business days of receiving the request that either the correction has been made or an annotation or linkage has been made.

Refusing a Correction Request

A public body may refuse or be unable to make a correction that an individual requests. This may be because the information is not personal information, the individual has not submitted adequate proof in support of the requested correction, or the information consists of an opinion rather than fact

When a correction is refused or cannot be made, the public body must annotate or link the personal information with the part of the requested correction that is relevant and material.

Factual information

When the public body is not satisfied with the proof presented, the public body does not change the information but rather annotates it or links the presented information to the original information. A public body is required to note only the part of the requested correction that is relevant to the record being annotated or to the link being made.

Opinion

A public body may describe the information in dispute and place the description, along with a statement that the applicant does not agree with the opinion or interpretation, on the record. A public body is required to note only the part of the requested correction that is relevant to the record being annotated or to the link being made.

Transferring a Correction Request

Under Section 8, if an individual's personal information was collected by another public body, or another public body created the record containing the personal information, then the head of the public body that received the request may transfer it to that originating public body within 15 business days. The public body that received the notification must also notify the individual of the transfer as soon as possible.

Once the other public body receives the transferred request, they must follow the requirements as outlined in section 7 of the Act.

Notifying Third Parties and Other Public Bodies

If a public body receives a request for correction or annotation, it is obligated to inform other public bodies, groups of persons, persons, or organizations that have received the individual's personal information.

Notification is required if the personal information has been shared in the year prior to the request for correction. It is good practice to ensure that other public bodies or third parties are notified within 30 business days.

Notification is not necessary if the correction, annotation or linkage is not material; or if the individual who requested the correction is advised and agrees in writing that notification is not necessary.

Public bodies may dispense with third party or public body notification if the correction is not required for their decision-making, provided the individual agrees with this option. The individual must agree in writing to dispense with notification.

Other public bodies, once notified, must make any correction, annotation or linkage to the relevant personal information in their custody or under their control. This helps ensure that all personal information disclosed by one public body to another is accurate and complete.

The role of the Information and Privacy Commissioner

The Information and Privacy Commissioner has the power to review the actions of a public body with respect to requests for correction of personal information, including the decision to refuse correction, and also has the power to extend the timeline for responding to a correction of personal information request.

Additional Resources

Correction of Personal Information Form

Fact Sheet: Privacy Management Programs