

Please read the Introduction – See [Introduction](#)

Section 9: Amendment of Records Relating to Personal Information

Section	Information Required
9(1)	<ul style="list-style-type: none"> • Please provide details of the information which you understand the applicant is seeking to amend. • In your view, is the information personal information relating to the applicant? Explain the reasons for your view. (In doing so, please have regard to the definition of personal information in section 2 of the Act.) • If the information concerned is personal information relating to the applicant, has the applicant shown that such personal information is, on the balance of probabilities, incomplete, incorrect or misleading? If not, please explain the reasons for your view (including your view on any information provided by the applicant in support of the application in this case). • If you have refused the application, has the application or a copy of the application (or a notation indicating that the application has been made) been attached to the record which the applicant sought to amend (section 9(4) of the FOI Act refers)? If not, why not? • [To be asked <u>only</u> where the FOI body decided to amend the record, but not in the manner sought by the applicant] – <ul style="list-style-type: none"> ○ Confirm the form of amendment of the record which you understand the applicant sought in this case ○ Explain the reasons why you refused to amend the record in the form or manner sought by the applicant.
9(6)(a)	<p>[To be asked <u>only</u> where the application has been made by the parent or guardian of the individual and only where relevant / appropriate.]</p> <ul style="list-style-type: none"> • Provide the information sought at either A) or B), as appropriate: <ul style="list-style-type: none"> A) If the individual to whom the information relates has not attained full age, confirm his/her date of birth. <p>OR</p> B) If the individual to whom the information relates is an individual of full age who is incapable of exercising his/her rights under the FOI Act as specified in the Regulations*, please show that the individual falls within the class specified in Regulation 6(2)(b) (i.e. at the time of the application, the individual has, or is subject to, a psychiatric condition, mental

<p>9(6)(a) contd.</p>	<p>incapacity or severe physical disability, the incidence and nature of which are certified by a registered medical practitioner and who, by reason of that condition, incapacity or disability, is incapable of exercising his/her rights under the FOI Act).</p> <ul style="list-style-type: none"> • Explain the basis on which you concluded that the applicant is the parent or guardian of the individual to whom the information relates. • Please explain the reason for your decision by reference to the relevant Regulations* and furnish any information provided by the applicant in connection with this application. • If you concluded that granting the application would not be in the best interests of the minor / individual concerned, please explain the reasons for this conclusion and provide details of any circumstances and any other matters which were considered relevant in making your decision in this regard. • Confirm whether, during the course of your decision-making in this case, it was considered appropriate to consult with any person regarding this application and explain the reasons for your view in this regard. If any consultations took place, provide details of the consultations and provide copies of the relevant communications. <p>*Freedom of Information Act 2014 (Sections 9(6), 10(6) and 37(8)) Regulations 2017. S.I. 53 of 2017. (Note: If the application was made prior to 10 November 2016, please refer to the relevant provision(s) of the Freedom of Information Act 1997 (Section 17(6)) Regulations, 2009. S.I. 385 of 2009.)</p>
<p>9(6)(b)</p>	<p>[To be asked <u>only</u> where the information in the record concerned relates to an individual who is dead and only where relevant/ appropriate.]</p> <ul style="list-style-type: none"> • If not apparent from the records, please show the basis on which it was claimed, or on which you concluded, that the individual is dead • Furnish any information provided by the applicant in connection with this application • Provide the information sought at (a) or (b) or (c) below, as appropriate to the circumstances of this case. <p>(a) Is the applicant a personal representative of the individual to whom the information relates (or someone acting with the consent of a personal representative)?</p> <ul style="list-style-type: none"> ○ If so, is the personal representative acting in due course of administration of the estate? ○ Explain the basis for your conclusions in this regard and provide copies of any relevant information. <p style="text-align: right;">See 9(6)(b) contd. over/</p>

<p>9(6)(b) contd.</p>	<p>OR</p> <p>(b) Is the applicant a person on whom a function is conferred by law in relation to the individual to whom the information relates or his or her estate?</p> <ul style="list-style-type: none"> ○ If so, is s/he acting in the course of the performance of that function? ○ Explain the basis for your conclusions in this regard and provide any relevant information. <p>OR</p> <p>(c) Is the applicant the spouse or the next of kin of the individual to whom the information relates as defined in the Regulations*?</p> <ul style="list-style-type: none"> ○ If so, explain the basis for your conclusions in this regard. ○ If relevant, explain why you concluded that the public interest (including the public interest in the confidentiality of personal information) would not, on balance, be better served by granting the application than by refusing it. Provide details of the public interest factors taken into account in making your decision and provide details of any circumstances and/or any other matters to which you had regard in this respect. ○ If relevant, provide details of any consultations which took place in relation to this application and provide copies of any relevant communications in this regard. <p>*Freedom of Information Act 2014 (Sections 9(6), 10(6) and 37(8)) Regulations 2017. S.I. 53 of 2017. (Note: If the application was made prior to 10 November 2016, please refer to the Freedom of Information Act 1997 (Section 17(6)) Regulations, 2009. S.I. 385 of 2009.)</p>
<p>9(7)</p>	<p>[To be asked where relevant and <u>only</u> if the application has been refused under section 9(7).]</p> <ul style="list-style-type: none"> ● If you have refused the application under section 9(7) of the Act - <ul style="list-style-type: none"> ○ Please explain the reasons why you concluded that the application/ request in this case is frivolous or vexatious or forms part of a pattern of manifestly unreasonable requests/applications ○ Provide details of the information relied on by you in reaching this conclusion ○ Also provide the following information : <ul style="list-style-type: none"> – the number of requests/ applications made by the requester /applicant (or anyone with whom, in your view, s/he was acting in concert) – details of the dates, nature and scope of the requests/ applications concerned – if relevant, provide your view regarding the purpose of the requests/applications made and/ or the intent of the requester/ applicant