



Making a Freedom of Information request for the Personal Information of a Deceased Person

Access to information and documents held by the Department of Veterans' Affairs (DVA) relating to a deceased person.

Please read the below information carefully before using this form.

Who should use this form

This form should only be used by Advocates or Representatives who are making a request under the *Freedom of Information Act 1982* (Cth) (FOI Act), to access the personal information of a deceased person with the authority of another individual. If you are not an Advocate or Representative acting with the authority of another individual, please use the Information Access Application Form available on DVA's website.

What documentation is required to obtain the personal information of a deceased person?

Because DVA holds personal and sensitive health information about its clients and their families, information will usually only be disclosed to the Executor or Administrator of the deceased's Estate, a Public Trustee or a court.

You must provide sufficient documentation to establish:

- that you have sufficient authority to act on behalf of the individual who seeks access to the deceased person's information.
- the identity of the individual you are making the request on behalf of (using Proof of Identify documents).
- the individual has sufficient authority to request the information of the deceased person, such as proof of relationship (for example, birth, marriage or death certificates) and/or legal representation (for example, a certified copy or extract of the signed Will of the deceased or written consent from the Executor or Administrator).

Where the above is not available, DVA will take into consideration the relationship between the individual and the deceased and any information held by DVA that may identify who the deceased nominated to act on his/her behalf when they were alive, including any records indicating if there was a Power of Attorney in place prior to the deceased's passing.

What documents relating to a deceased person are held by DVA?

If the deceased lodged a claim with DVA, then DVA will hold a file and the service records. Records can include separate claims, medical and hospital files. The file will generally also hold the service medical records; however, in some cases these records may have been returned to the Department of Defence. You should contact Defence to access a deceased's service records.

What documents are NOT held by DVA?

Service Records (or dossiers) from World War 1 and World War 2 are available from the National Archives of Australia. All other service and medical records can be obtained from the Department of Defence. This form should not be used to seek records from the Department of Defence. A separate application form is available from the Department of Defence at www.defence.gov.au.

Please contact:

Post: Defence Archives
PO Box 225
QUEENSCLIFF VIC 3225

Phone: 1800 333 362

Email: ADF.records@defence.gov.au

DVA Factsheets

For more information on accessing information held by DVA, and the privacy obligations of DVA, see the following:

- Freedom of Information at <https://www.dva.gov.au/about-us/overview/reporting/freedom-information>
- Privacy at <https://www.dva.gov.au/about-us/overview/legal-resources/privacy>
- Confidentiality of Social Security (Centrelink) pension information at <https://www.dva.gov.au/about-us/overview/reporting/freedom-information/confidentiality-social-security-centrelink-pension>

Privacy Notice

Your personal information is protected by law, including the *Privacy Act 1988* (Cth). Your personal information may be collected by DVA for the delivery of government programs for veterans, members of the Australian Defence Force, members of the Australian Federal Police and their dependants. It is also collected, used and disclosed for the purpose of handling this information access request. Your information may be used by DVA, or given to other parties where you have agreed to that, or where it is otherwise required or authorised by law. By completing this form you consent to DVA handling your personal information for these and related purposes.

Read more about how DVA manages personal information at <https://www.dva.gov.au/about-us/overview/legal-resources/privacy>

Submitting this form

Once this form is fully completed, please provide to DVA by either:

Post: **National Information Access Processing Team**
Department of Veterans' Affairs
GPO Box 9998
BRISBANE QLD 4001

Email: information.access@dva.gov.au

PART A**Advocate's or Representative's details****1. Name**

Surname

Given name(s)

2. Please provide at least one method of contacting you in writing Email address (*preferred*) Postal address (*optional*)

POSTCODE

 Phone (*optional*)**3. Please indicate the advocacy organisation and location for which you are a member (e.g., Legacy)**

PART B**About the individual you are representing****4. Name**

Surname

Given name(s)

5. Relationship of the individual to the deceased**6. DVA reference number (if applicable)****7. Capacity in which the information is being requested** Spouse of de facto / widow(er) Executor as named in the Will or Grant of Probate Administrator of the Estate The Public Trustee A court order Family member**8. Please provide contact details for the individual**Phone (*preferred*)Email address (*optional*)Postal address (*optional*)

POSTCODE

PART D**Details about the deceased**

Please provide all known information about the deceased client's information being requested.

12. Name

Surname

Given name(s)

13. Other name(s) by which the client may be known**14. DVA file number****15. Service number****16. Branch of service****17. Date of enlistment****18. Date of discharge****19. Date of birth****20. Date of death****21. Relationship status at time of death**

- Single
 Married
 De facto
 Widowed
 Separated
 Divorced

PART E**Supporting documentation****Please read carefully**

Under section 47F of the FOI Act, and in accordance with DVA's Privacy Policy, DVA must consider whether releasing information would be an unreasonable disclosure of personal information (even if that person is deceased).

Section 27A of the FOI Act would ordinarily require DVA to consult with a deceased's legal representative so that the representative has the opportunity to consider if the disclosure of the requested material would be unreasonable. A consultation is not required where the FOI request is made by the deceased's legal representative. If sufficient documentation is not provided, the deceased's information may be considered exempt from disclosure under section 47F of the FOI Act.

The supporting documentation requested below is requested by DVA to establish that you have sufficient authority to obtain the deceased's information. DVA will consider each FOI request on its merits. However, please note that the more supporting information you can provide, the more likely it is that DVA can release the requested material to you.

Please ensure all copies of documents provided are certified. Please also provide proof of the individual's identity if they are not already a DVA client (e.g. driver's licence or passport).

22. Please provide relevant documents from category (a), (b) or (C)**(a) If the individual has legal authority regarding the deceased's estate, or has consent from the executor, administrator or trustee of the deceased's estate, please provide a copy of one of the following:**

- Current and valid Last Will and Testament of the deceased (certified extract of page identifying the deceased and nominated executor will suffice)
- Grant of Probate
- Letters of Administration
- Court order appointing the individual as Executor, Administrator or Trustee

(b) If the individual does not have legal authority regarding the deceased's estate, a copy of the executor's, administrator's or trustee's consent to the individual making this FOI request is provided.

- Yes
- No
- Not applicable (e.g. individual is the legal representative)

(c) If the above documents are not available, please provide one of the following showing a familial relationship between the individual and deceased:

- Marriage Certificate
- Birth certificate
- Death certificate
- Other (please specify)

23. DVA is not always made aware of an individual's death. Please indicate whether:

- DVA has already been provided proof of death (e.g. death certificate)
- A copy of the deceased's Death Registration or Death Certificate is attached
- A copy of the Coroner's report or correspondence from Coroner's Office is attached
- Other documentation evidencing the person is deceased

PART F

Advocate's or Representative's Declaration

24. Declaration

I declare that the above information provided in this form, including the information about the supporting documentation provided in Part E is correct to the best of my knowledge, and I understand that giving false or misleading information is a serious offence.

**Advocate/
Representative's
Signature**

Date

Charges

Under the FOI Act, individuals who make an application for their own personal information will not be subject to fees or charges. All other FOI Act requests may be subject to charges. Requests under other access mechanisms will not be subject to fees or charges.

You will be notified if charges are payable in relation to your request.

Submitting an application

Once this form is fully completed, please provide to DVA by either:

Post: **National Information Access Processing Team
Department of Veterans' Affairs
GPO Box 9998
BRISBANE QLD 4001**

Email: information.access@dva.gov.au

OFFICE USE ONLY

Date received Ref File numbers

Comments