



Secretariat

ST/AI/354
27 July 1988

ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Assistant Secretary-General for Human Resources Management

Subject: REQUEST FOR RECTIFICATION OF DATE OF BIRTH
OR OF OTHER PERSONAL DATA

1. The basic provisions concerning a staff member's obligation to supply the Secretary-General whatever information is required for the purpose of determining his or her status under the Staff Regulations and Staff Rules or for completing administrative arrangements in connection with his or her appointment are set out in staff rules 104.4(a) and 204.4 respectively. Staff rules 104.4(b) and 204.4 likewise establish that staff members shall be responsible for promptly notifying the Secretary-General, in writing, of any subsequent changes affecting their status under the Staff Regulations and Staff Rules. The purpose of the present instruction is to provide guidelines for the application of rules 104.4(a) and 204.4 in case of requests by staff for rectification of the date of birth or of other personal data supplied at the time of appointment and for the application of rules 104.4(b) and 204.4 in cases of requests by staff for rectification of personal data supplied subsequent to appointment.

2. Under staff rules 104.4(a) and 204.4 staff members have the responsibility on appointment for supplying the Secretary-General with the information required for the purposes described above. The United Nations Personal History Form (P.11) requires applicants for employment to state their date of birth and other personal data and to certify that the information provided is true, complete and correct to the best of their knowledge and belief. Accordingly, a staff member cannot claim a right of rectification of his or her recorded representation of facts which are within the staff member's responsibility and competence to establish and there is no legal obligation on the part of the United Nations to change the official record in respect of a fact originally submitted by a staff member for the purpose of his or her United Nations record. However, corrections may exceptionally be made at

the discretion of the Secretary-General, taking into account the interest of the Organization in orderly and fair administration, under the conditions indicated below. The same considerations apply to the rectification of personal data supplied subsequent to appointment under staff rules 104.4(b) and 204.4.

Criteria and procedure for rectification

3. A request for change of date of birth may be considered subject to the following requirements:

(a) The request is submitted prior to the staff member's separation from service;*

(b) At the time of submission of the request, the staff member is less than 50 years old, according to the original date of birth;

(c) The request is submitted (i) within two years of the date of the staff member's initial employment with the Organization and (ii) within six months of the discovery by the staff member of the error, provided the staff member shows conclusively that exceptional circumstances existed which precluded his or her discovery of the error earlier.

4. A request for rectification of personal data other than date of birth provided at the time of appointment may be considered subject to the requirements indicated under paragraph 3 (a) and (c) above. In the case of information concerning changes subsequent to appointment, a request for rectification will be subject to the same requirements, except that the two-year period under paragraph 3 (c) (i) above shall be counted from the date on which the information whose rectification is requested was provided.

5. Requests under paragraphs 3 and 4 above must be submitted to the Office of Human Resources Management through the staff member's executive or administrative office.

6. An explanation of the error in the original recorded date or information, as well as in any official documentation previously provided, and information on the time and circumstances of the discovery of that error will be required. The staff member has the burden of establishing his or her good faith in providing the original information and in submitting the subsequent request for rectification, i.e. that he or she was not motivated in the submission of a request for rectification of recorded facts and in the timing of such a submission by his or

* It should be noted that United Nations Joint Staff Pension Board administrative rule B.3 provides that "no change in the records relating to the date of birth of a participant or his prospective beneficiaries or to his marital status on the date of separation shall be accepted after the date of separation".

her preference to have a relevant staff regulation or rule, United Nations Joint Staff Pension Board regulation or personnel policy applicable or inapplicable to him or her.

7. For the staff member's request to be accepted, the error of fact in the information initially provided must be substantiated conclusively by evidence of the authenticity of the newly submitted documents. The staff member has the burden of establishing to the satisfaction of the Secretary-General that the original information is incorrect, that it did not constitute wilful misrepresentation of facts and that the newly produced documentation is authentic and correct.

8. After a careful review of a request for rectification of recorded facts, the personnel officer responsible in this matter shall submit the relevant comments on the receivability and merits of such a claim and the results of the examination together with the necessary documentation to the Chief, Staff Administration and Monitoring Service, Office of Human Resources Management, for further assessment of its validity. The Assistant Secretary-General for Human Resources Management shall take a final decision on a request for change of date of birth or other personal data on behalf of the Secretary-General and inform the staff member accordingly.

9. Any entitlement to an allowance, grant or other payment which may result from the acceptance of a staff member's request for rectification of personal data shall be subject, as appropriate, to staff rules 103.15 or 212.5 on retractivity of payments.

10. The provisions of paragraph 4 are without prejudice to a staff member's obligation, if he or she has received or is receiving payments from the Organization based on personal data provided by him or her which he or she subsequently discovers to be erroneous, to bring such error immediately to the attention of the Administration.
