



22 April 2020

Sahar Arefian  
**BY EMAIL:** @

**In reply please quote:**

FOI Request: FA 20/03/01061-R1  
File Number: OBJ2020/8829

Dear S Arefian,

**Decision on Internal Review – Freedom of Information Act 1982**

I refer to your correspondence dated 22 January 2020 in which you request that the Department of Home Affairs (the Department) review its decision on access to documents dated 8 April 2020 under the *Freedom of Information Act 1982* (the FOI Act).

**1 Scope of original request**

The scope of your original request for access to documents under the FOI Act was as follows:

*'I would like to receive information about the number of EOIs in the submitted status as of 15 march 2020 for the following sub classes for ANZSCO Code 234914 for subclass 190 for NSW government categorized by their points claimed and assessing authority if possible and DOE'.*

**2 Original Decision on access dated 8 April 2020**

The Department conducted reasonable searches and determined that the information that you are seeking is publically available. As such the Department did not locate a document for the purposes of the Act.

**3 Request for Internal Review**

On 8 April 2020, you requested the Department to review its decision dated 8 April 2020. In your request, you stated:

*'I am writing to request an internal review of Department of Home Affairs's handling of my FOI request 'the number of EOIs in the submitted status as of 15 march 2020 for NSW 190 visa for ANZSCO Code 234914. I WANT THE NUMBER OF SUBMITTED EOIs for particular ANZSCO code. I think it is a routine request from your department. I appreciate your help'.*

#### **4 Authority to make decision**

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records.

In accordance with section 54C(3) of the FOI Act, I have made a fresh decision on your FOI request.

#### **5 Information considered**

In reaching my decision, I have considered the following:

- the scope of your request
- the Department's original decision of 8 April 2020 and the evidence gathered for that decision
- your submissions in relation to your reasons for requesting an internal review
- the documents falling within the scope of your request
- advice from departmental officers with responsibility for matters relating to the information to which you sought access
- the FOI Act, and
- the Australian Information Commissioner's guidelines relating to the interpretation, operation and administration of the FOI Act (the FOI guidelines).

#### **6 Internal Review Decision**

I have decided to refuse your request in full under section 24A of the FOI Act.

#### **7 Reasons for Internal Review Decision**

I have considered your internal review request and the submission you made in support of that request.

I have confirmed that the information to which you seek access is publically available via the enquiry form at the following Qlik link:

[https://api.dynamic.reports.employment.gov.au/anonap/extensions/hSKLS02\\_SkillSelect\\_EOI\\_Data/hSKLS02\\_SkillSelect\\_EOI\\_Data.html](https://api.dynamic.reports.employment.gov.au/anonap/extensions/hSKLS02_SkillSelect_EOI_Data/hSKLS02_SkillSelect_EOI_Data.html)

The above website allows you to make selections regarding the type of data and date range for the data. The website comprises a comprehensive library of historic and current data in relation to Expressions of Interest (EOIs) in Skillselect, and may be accessed by any persons wishing to reference to EOI data. I am satisfied that this function would enable you to obtain the information that you are seeking. I therefore consider that the information you request is available publically.

Section 4 of the FOI Act provides that a document for the purpose of the FOI Act does not include material maintained for reference purposes that is otherwise publically available. As the information you are seeking to access is publically available, I find that the document/s you have requested are excluded from the operation of the FOI Act.

For this reason, I have decided to refuse your FOI access request under section 24A of the FOI Act.

## **8 Legislation**

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

## **9 Your Review Rights**

### *Review by the Office of the Australian Information Commissioner*

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

## **10 Making a Complaint**

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

## **11 Contact**

Should you wish to discuss my decision, please do not hesitate to contact via email at [xxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx)

Rebecca  
Position 60007879  
Authorised Decision Maker  
Department of Home Affairs