



30 April 2021

Rabeed Sajjad

BY EMAIL: foi+request-7232-35156a25@righttoknow.org.au

In reply please quote:

FOI Request: FA 21/04/00638

File Number: OBJ2021/11840

Dear Rabeed Sajjad

Freedom of Information (FOI) request - Access Decision

On 14 April 2021, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following documents:

1. Visa applications on hand for subclass 189 (points tested) for occupation 261313 as at 10/04/2021

2. Visa applications Granted for subclass 189 (points tested) for occupation 261313 by activity month, from 01/07/2020 as at 10/04/2021.

2 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 records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the document relevant to the request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)

- advice from Departmental officers with responsibility for matters relating to the document to which you sought access

4 Document in scope of request

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document that contains information that falls within the scope of your request. The data produced in the document existed in the possession of the Department on 14 April 2021 when your FOI request was received.

5 Decision

The decision in relation to the document in the possession of the Department which fall within the scope of your request is as follows:

- Release one document in full.

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

The Department has undertaken reasonable searches for data as at 10/04/2021 in part 1 of the scope, however the Department only holds data as at 31 March 2021 and is therefore unable to produce this data in a discrete form.

The Department has also undertaken reasonable searches for data for the activity months of 31/07/2020 and 31/10/2020 in relation to part 2 of scope, however the Department only holds data from the activity months provided in the released document. Therefore, the Department is unable to produce this data in a discrete form.

I am satisfied that the Department has undertaken reasonable searches in relation to your request for documents that contain data as at 10/04/2021 in part 1 of the scope and data for the activity months of 31/07/2020 and 31/10/2020 in part 2 of scope, but that such data is not available in Departmental systems. As such, I am refusing your request for documents relating to part 1 and part 2 of scope based on the application of section 24A of the FOI Act.

6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

7 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

By email to: foi.reviews@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2617

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>.

8 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

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.

9 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@homeaffairs.gov.au.

Glen

Position number 60081621

Authorised Decision Maker

Department of Home Affairs