



17 February 2023

Cerosh

BY EMAIL: foi+request-9799-ddbfbe41@righttoknow.org.au

In reply please quote:

FOI Request: FA 23/01/00716

File Number: FA23/01/00716

Dear Mr/Ms Cerosh,

Freedom of Information (FOI) request - Access Decision

On 17 January 2023, the Department of Home Affairs (the Department) received a request for access to document 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 document:

The number of applicants with approved citizenship applications who are waiting for a citizenship ceremony date in Newcastle Council, NSW. In addition, how many applicants do you allocate per citizenship ceremony in the said council?

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 document or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your 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

The Department has undertaken reasonable searches in relation to the documents you have requested access to and finds no documents of relevance.

Searches

Information on the total number of approved applicants waiting to attend a citizenship ceremony and associated waiting times for each local government area in Australia is published by the Department on a monthly basis and can be found at:

<https://immi.homeaffairs.gov.au/citizenship/citizenship-processing-times/ceremony-wait-times>

The Department does not hold an existing discrete document that contains the data you are seeking for part 2 of your request.

In relation to the number of applicants allocated to each citizenship ceremony in a particular council area, the Department cannot provide citizenship ceremony dates or how many people will be invited for each ceremony. Local government councils determine the date a ceremony will be held and there is no set number of people who are invited to attend a ceremony hosted by local government councils.

The obligation for retrieving or collating information stored in a computer system arises if:

- the Department could produce a written document containing the information using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information, and
- producing a written document would not substantially and unreasonably divert the resources of the agency from its other operations (s17(2))

To compile the information you have requested into a discrete document would require a manual search of information within Departmental systems and a manual collation of the results. This is not what section 17 of the FOI Act requires. Section 17 only requires a new document to be created when it is possible to do so using a computer or other equipment to extract data. It is not possible to generate a document containing the information you have requested without significant manual intervention in this process.

The data you have requested is of a detail that cannot be reported on from the Department's computer systems. Either the data is not collected to that granular detail, or it is not possible to extract the data using a computer system in a manner that is ordinarily available to it.

I am satisfied that the Department is not able to produce a written document containing the information you seek in a discrete form using a computer or other equipment ordinarily available to it.

Having regard to your request and the types of document that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

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.

I am satisfied that the Department has undertaken reasonable searches in relation to your request for data and that no documents were in the possession of the Department on 17 January 2023 when your FOI request was received. As such, I am refusing part of your request 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

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.

Electronically signed,

Elaine - position number 60097486
Authorised Decision Maker
Department of Home Affairs