



3 December 2018

[Redacted]

In reply, please quote:

FOI Request: FA 18/06/00929-R1
File Number: ADF2018/186680

Dear [Redacted],

Freedom of Information (FOI) – Decision on Internal Review

The purpose of this letter is to provide you with a decision on your request for an internal review of a decision made by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

Your request relates to the access decision made by the Department on 16 August 2018 (departmental reference number: FA 18/06/00929).

1 Scope of original request

On 19 June 2016, you requested access to the following documents under the FOI Act:

'I need to know the number of EOI applicants with EOI lodged and DOE details that are active in the system for ANZSCO code Computer Network and Systems Engineer – 263111.'

2 Original decision

The Department identified one document as falling within the scope of your request. The document was in the possession of Department on 19 June 2018, when your original FOI request was received.

On 16 August 2018, the original FOI decision maker made the following decision on that document:

- Release one document in full.

You were notified of this decision on 20 August 2018.

3 Request for Internal Review

On 20 August 2018, you wrote to the Department and provided the following statement:

'I need it for subclass 189 as well with total no. of points for each applicant.'

You did not request the *'total no. of points for each applicant'* in your original request, so the Department gave you an opportunity to submit a new request, as follows:

*'Could you please confirm that you wish to submit a new FOI request as below?
"subclass 189 as well with total no. of points for each applicant"
Your previous FOI Request FA 18/06/00929 was closed on 20 August 2018.
Please respond by return email by Monday 27 August 2018.'*

On 23 August 2018, you responded to the Department and provided the following statements:

'The previous foi only gave info regarding subclass 489. I didn't mention any subclass presuming both 189 and 489 info will be provided but I was provided with only 489 info. Hence requesting the 189 info on the previous FOI. Please reopen.'

FOI decisions that have already been finalised cannot be re-opened. Therefore, the Department took your request for the previous FOI to be re-opened as a request for an internal review of that decision.

4 Scope of internal review

The scope of your internal review is the data relating to visa subclass 189, not interpreted within the scope of your original request. Specifically:

'the number of EOI applicants with EOI lodged and DOE details that are active in the system for ANZSCO code Computer Network and Systems Engineer – 26311', for visa subclass 189.

5 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.

6 Information considered:

In reaching my internal review decision, I have considered the following:

- The decision and document previously released by the Department;
- The terms of your request for internal review;
- Advice from departmental officers with responsibility for matters relating to the documents 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).

7 Internal review decision

I have considered your submissions in relation to your reasons for requesting an internal review. I have conducted a review into the processing of FA 18/06/00929, and the decision letter dated 16 August 2018.

As the result of these considerations, plus consultations with relevant business areas, the Department has identified additional information that falls within the scope of your request. To Department has used its available computer systems to produce a discrete document that captures the additional information (data), being *'the number of EOI applicants with EOI lodged and DOE details active in the system for ANZSCO code Computer Network and Systems Engineer 263111'* (for visa subclass 189).

The new document produced also contains updated data for visa subclass 489.

I am satisfied that the new discrete document produced by the Department contains the full range of data falling within the scope of your FOI request. I am satisfied that the data was in possession of the Department on 28 August 2018, when your request for internal review was received.

My decision in relation to the new discrete document produced for your request is to:

- Release one document in full.

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 (OAIC)

If you are not satisfied with my decision, you may apply directly to the OAIC for a review. You must apply in writing within 60 days following receipt of this notice. For further information about review rights and how to submit a review request to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at: <http://www.oaic.gov.au/freedom-of-information/foi-reviews>

10 Making a Complaint

You may complain to the OAIC if you have concerns about how the Department has handled your request. There is no particular form required to make a complaint to the OAIC. Requests should be in writing, should identify the Department as the relevant agency, and should provide the grounds on which it is considered that the Department's actions should be investigated.

Further information about how to submit a complaint is available at:
www.oaic.gov.au

Enquiries to the OAIC can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

11 Contact

If you wish to discuss this matter, I can be contacted by email at:
foi.reviews@homeaffairs.gov.au

Yours sincerely,



Authorised Decision Maker
Freedom of Information (FOI) Section
Department of Home Affairs

ATTACHMENT A
SCHEDULE OF DOCUMENTS
REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982*

FOI request: FA 18/06/00929-R1

File Number: ADF2018/186680

| No. | Date of document | Pages | Description | Decision on release | Applicable part/s of the FOI Act |
|------------|-------------------------------|--------------|---|----------------------------|---|
| 1 | Provided to FOI on 29/11/2018 | 15 | Total number of "submitted" EOIs that have selected subclass 189 and 489, and ANZSCO occupation code 263111 - Computer Network and Systems Engineer | Released in full | N/A |