



30 May 2019

In reply please quote:

FOI Request: FA 19/04/01503

File Number: OBJ2019/26350

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 30 April 2019, 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:

Statistics about "Officers" of the "Australian Border Force", including the following:

- Religion
- Ethnicity
- Citizenship
- Age

including historical data for comparison purposes.

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 part 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 documents to which you sought access

4 Documents in scope of request

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

The Department does not hold an existing discrete written document that contains the information that you are seeking to access.

In accordance with section 17 of the FOI Act, the Department has used its computer systems to produce one document that contains information that falls within the scope of part of your request. The data produced in the document existed in the possession of the Department on 30 April 2019 when your FOI request was received. This document contains age data for staff within the Department, including the ABF, as at 30 April 2019. It is not possible for the Department to extract this data historically from its computer systems.

The Department has considered whether it can extract the remaining data that you have requested access to in accordance with section 17(1) of the FOI Act. The obligation for retrieving or collating information stored in a computer system arises if:

- the agency 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))

In relation to religion and ethnicity, this information is not requested or collected from staff during the recruitment process for the public service. The Department does not hold this data.

In relation to citizenship, the vast majority of staff of the Department, including the ABF, are employed under the *Public Service Act 1999*. The Department does record this data in its HR systems and is unable to report on and produce a document that would contain this data.

Conditions of engagement with the Australian Public Service (APS) can be found on the APS Commission website at: <https://www.apsc.gov.au/conditions-engagement-0>. These conditions of engagement include details on the requirement for Australian citizenship, details of which can be found at: <https://www.apsc.gov.au/citizenship-aps>. If a public servant can demonstrate evidence of Australian citizenship, they can be engaged as an APS employee, regardless of other citizenship they may hold. Unless there is a particular condition of employment that requires a staff member to disclose other citizenships, the Department would not hold this information about its staff.

5 Decision

The decision in relation to the document in the possession of the Department which is relevant to part of your request is to release one document in full.

In relation to the remainder of your request, 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 and that no further relevant documents were in the possession of the Department on 30 April 2019 when your FOI request was received. As such I am refusing access to the remainder of the documents requested by you 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.



Authorised Decision Maker
Department of Home Affairs