

Our ref: 075/2015



ASIC

Australian Securities & Investments Commission

19 March 2015

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Melbourne VIC 3000  
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Mr Luke Bacon

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Email: [foi+request-1001-37c7da46@righttoknow.org.au](mailto:foi+request-1001-37c7da46@righttoknow.org.au)

Dear Mr Bacon

### Freedom of Information Request

I refer to your email of 6 March 2015 in which you request access to the following:

*Documents created in the years 2014 or 2015 that show the most popular terms searched on the Organisations & Business Names register available to search at <https://connectonline.asic.gov.au/>.*

I understand this to mean that you are seeking a list of information from the register of organisations and business names maintained by ASIC pursuant to the *Corporations Act 2001* (the Corporations Act) and the *Business Names Registration Act 2011* (the Business Names Act).

I advise that I am the authorised decision maker for the purposes of section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

### Access to documents under the FOI Act

#### *Lists of information*

The right of access under the FOI Act is to existing documents, rather than to information. The right of access applies to documents that exist at the time the FOI request was made. It generally does not require an agency to create a new document in response to a request for access.

### My decision

I have undertaken searches and made the relevant enquiries in accordance with the provisions of the FOI Act and confirm that ASIC does not collect information in relation to the names (terms) searched for on our organisation and business names registers.

As such, I advise that ASIC does not hold a document which fits the terms of your request and therefore your request is refused under section 24A(1).

Section 24A(1) of the FOI Act states:

- 1) An agency or Minister may refuse a request for access to a document if:
  - a. All reasonable steps have been taken to find the document; and
  - b. The agency or Minister is satisfied that the document:
    - i. Is in the agency's or Minister's possession but cannot be found; or
    - ii. Does not exist.

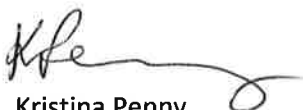
### **Review Rights**

I provide you with the following information as required by section 26 of the FOI Act. If you are dissatisfied with the decision:

1. You may, within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for a review of my decision by another ASIC officer under section 54B of the FOI Act. This request should be addressed to me or to the Senior Manager, Administrative Law GPO Box 9827 Sydney NSW 2001 or by email to [foirequest@asic.gov.au](mailto:foirequest@asic.gov.au).
2. You may apply in writing to the Australian Information Commissioner for a review of my decision under section 54N of the FOI Act. Correspondence should be addressed to the Office of the Australian Information Commissioner at: GPO Box 2999 Canberra ACT 2601 or GPO Box 5218 Sydney NSW 2001.
3. You may lodge a complaint to the Australian Information Commissioner in respect to the conduct of ASIC in the handling of this request. Correspondence should be addressed to the Office of the Australian Information Commissioner at: GPO Box 2999 Canberra ACT 2601 or GPO Box 5218 Sydney NSW 2001.

Should you have any questions about your Freedom of Information request, you may contact me by email [kristina.penny@asic.gov.au](mailto:kristina.penny@asic.gov.au) or telephone 03 9280 4994.

Yours sincerely



Kristina Penny  
Senior Lawyer, Registry  
(Authorised Decision-maker pursuant to section 23(1) of the FOI Act)