



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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16 May 2023

Watson Norwood

By email: foi+request-10247-e71ebc62@righttoknow.org.au

Dear Mr Norwood

Freedom of Information Request No. FOI 072-2023
Notice of a practical refusal ground under s24AB of the FOI Act

I refer to your request dated 6 May 2023 under the *Freedom of Information Act 1982 (FOI Act)* in which you seek access to documents in the possession of the Australian Securities and Investments Commission (**ASIC**).

Your request seeks access to the following:

"I am writing to make a request under the Freedom of Information Act for a complete copy of the departments' Freedom of Information (FOI) logs for the period 2013-2023, including any secondary departments controlled by the agency."

Practical refusal ground(s)

Section 24AA of the FOI Act provides that a practical refusal ground exists in relation to a request for a document if either (or both) of the following applies:

- the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations (s24AA(1)(a));
- the request does not satisfy the requirement in paragraph 15(2)(b) of the FOI Act (s24AA(1)(b))

In relation to your request, I find that 24AA(1)(b) applies.

Section 24AA(1)(b) FOI Act – Identification of documents

I am writing to advise you that your request in its current form does not adequately identify the documents sought and it would therefore be my intention to refuse your request given that a practical refusal reason exists within the meaning of section 24AA(1)(b) of the FOI Act.

Areas requiring clarification

It appears your request is for access to a list of FOI requests received by ASIC between 2013-2023. However, your request does not specify what information should be included in relation to each request. Please identify specifically what information you seek in respect to each request (for example, FOI reference number, summary of request, number of documents released in full or part, etc).

I also note that your request states:

"I request that this is provided as a document and not a simple redirect to the agency website as I am of the view that your online disclosure logs do not actively reflect your FOI requests that you have received in this period."

Please note that ASIC's FOI Disclosure Log does not reflect all FOI requests received by ASIC as there are exceptions to publication of FOI documents as set out in section 11C(1) of the FOI Act.

Intention to refuse request

For the reasons stated above, it would be my intention to refuse your request given that a practical refusal reason(s) exist(s) within the meaning of 24AA(1)(b) of the FOI Act. However, before a final decision is made you are invited to revise the terms of your request.

Request consultation process

The purpose of this letter is to provide you with an opportunity to revise your request so that the practical refusal reason no longer exists before a final decision is made. Should you wish to submit a revised request please consider the issues raised in this notice to ensure that they are addressed.

Timeframe

The statutory timeframe for notifying an applicant of a decision on a request for access under the FOI Act is 30 days from the day the agency receives the request. Please note that in accordance with section 24AB(8) of the FOI Act, the time for processing your request is suspended from the day that you receive this letter, and resumes on the day after you provide ASIC with one of the following:

- written notification that you wish to withdraw the request;
- a revised written request addressing the matters raised above; or
- written notification that you do not wish to revise your request.

If you choose to do one of the three things listed above, you must do so within 14 days of the date of this letter (**the consultation period**). If you do not do one of the three things listed above during the consultation period, your request will be taken to be withdrawn in accordance with section 24AB(7) of the FOI Act.

During the consultation period you may wish to seek assistance in reframing your request. If you have any questions or wish to discuss, please contact me at Monique.Lindridge@asic.gov.au or on 0466 290 017.

Yours sincerely,



Monique Lindridge

(Authorised decision maker under section 23(1) of the FOI Act)