



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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29 June 2023

FOIBLE

By email: foi+request-10412-3db2e9d9@righttoknow.org.au

Dear FOIBLE,

Freedom of Information Request No. 116-2023
Request consultation process (s 24AB) due to existence of a practical refusal reason

I refer to your email received on 28 June 2023 in which you seek access to the following under the *Freedom of Information Act 1982* (Cth) (**FOI Act**):

Dear Australian Securities and Investments Commission,

Please provide:

- *Details of meetings held between representatives of ASIC and representatives of Blockchain Australia since 1 July 2022 to the date of this application*
- *Briefing notes prepared for such meetings*
- *Correspondence and documents received by ASIC from Blockchain Australia since 1 July 2022 to the date of this application*

Yours faithfully,

FOIBLE

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I advise that your request does not satisfy the requirement in s 15(2)(b) of the FOI Act to provide such information concerning the documents as is reasonably necessary to enable me to identify them. Section 15(2)(b) states that a request must 'provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency to identify it'. This is called a 'practical refusal reason' under s 24AA(1)(b) of the FOI Act. As s 15(2)(b) has not been met ASIC may, in accordance with s 24(1)(b) of the FOI Act, refuse your request after undertaking a request consultation process.

On this basis, it is my intention to refuse access to your request. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under s 24AB of the FOI Act.

Why I intend to refuse your request

Your request does not specify any subject matter, activity, or topic of the correspondence, documents or meetings. I have consulted with various ASIC staff members to assist with searching for relevant documents. These staff have advised me that they are uncertain how to interpret your request and require further information to enable the identification of the documents you are seeking. In particular, I am informed that there may be a range of topics

on which ASIC may be corresponding with Blockchain Australia, given it is a member of the Digital Finance Advisory Panel (DFAP) - [Digital Finance Advisory Panel | ASIC](#).

In view of the above, I invite you to provide further information about the types of documents you may be seeking in relation to your request.

You have **14 days** to respond to this notice in one of the ways set out below.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, ASIC will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

One example of a more reasonable request in the circumstances could be to specify a subject matter or topic that you wish the correspondence, or meetings, to be about.

The consultation period runs for **14 days** and starts on the day after you receive this notice. Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise your request.

During this period, you are welcome to seek assistance from me to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, I will recommence processing it. (Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request).

If you do not do one of the three things listed above during the consultation period or you do not consult me during this period, your request will be taken to have been withdrawn.

Contact officer

If you would like to revise your request or have any questions, please contact me on 03 9280 4416 or by email at haydar.tuncer@asic.gov.au for assistance.

Yours sincerely

Haydar Tuncer
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Australian Securities and Investments Commission
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