



ASIC

Australian Securities & Investments Commission

Our Ref: PCS2013/01779

7 June 2013

Jason Brooks

By email: foi+request-12255f4aa33@righttoknow.org.au
No of pages: 3

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Dear Mr Brooks,

Freedom of Information Request – Notice to identify documents under section 24AB of the FOI Act

I refer to your email dated 30 May 2013, received by ASIC on 31 May 2013, containing a request for documents in the possession of the Australian Securities and Investments Commission (ASIC). Whilst your request does not state that it is made under the *Freedom of Information Act* 1982 Cth (FOI Act) I note that it was forwarded to the email address FOIrequest@asic.gov.au and, as such, I assume that you seek to make a request under the FOI Act. Please advise if this is not the case.

Section 15(2)(b) of the FOI Act - Identification of documents

To be a valid request, the FOI Act specifies, amongst other things, that the request provide sufficient information to enable the documents to be identified.

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 an agency, ... to identify it”.

I consider that your request, in its current form, is ambiguous and as such does not comply with the requirements of section 15(2)(b) of the FOI Act. In pursuing a request under the FOI Act, I would invite you to further clarify the nature of the documents to which access is sought. In this regard, I comment as follows:

You state in your request that you seek “a copy of the post implementation review findings for the project that designed and implemented the ASIC Connect web portal at asicconnect.asic.gov.au and its related user interface, user experience, workflow processes”.

You then state that you seek access to “any project review documents related to this project(s) and any associated review findings related to the migration of management of state based business names registers to the new ASIC controlled national business name register”.

ASIC Connect is ASIC's online registry portal via which a member of the public may access the following services:

- **ASIC Connect search** - for searching company, business names and self-managed superannuation fund (SMSF) auditor registers
- **ASIC Connect business names** – for:
 - registering a business name
 - renewing the registration of a business name
 - cancelling or cancelling and transferring a business name
 - updating business name details
- **ASIC Connect self-managed superannuation fund (SMSF) auditor** – for:
 - registering as an SMSF auditor
 - cancelling an SMSF auditor registration
 - updating SMSF auditor details.

The ASIC Connect portal was launched at the end of March 2012 and commenced with ASIC Connect search. ASIC Connect business names was launched on 28 May 2012 followed by ASIC Connect SMSF on 31 January 2013.

I understand from your request that you may be seeking documents which record any final review findings made about ASIC Connect business names after its launch date. Please clarify whether these are the documents you seek. Please also clarify whether the ASIC Connect business names service is the ASIC Connect web user facility you are referring when you refer to "project" and "this project(s)" in your request.

Further, I am unable to determine what additional types of documents may fall within the description "project review documents" that are not documents which record final post launch review findings made about ASIC Connect business names. Please clarify this aspect of your request.

Further processing of your request

I note that if a request is not confined to clearly identified documents, ASIC may, in accordance with section 24 of the FOI Act, refuse to process the request. In its current form it would be my intention to refuse access to the documents sought in your request.

As a general rule, an application must be processed within 30 days of receipt. However, 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, assumed to be the date it was sent via email, and resumes on the day after ASIC receives from you one of the following:

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

If you wish to amend your request, with a view to make the request in a form that would remove the ground for refusal, please contact me to discuss or send a revised request, within 14 days of the date of this letter. If I have not heard from you at the end of this period your request will be taken to be withdrawn in accordance with section 24AB(7) of the FOI Act.

If you wish to discuss this matter please contact me on telephone (03) 9280 3205.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Mirijana Soldatic', with a long horizontal flourish extending to the right.

Mirijana Soldatic

Small Business Compliance and Deterrence

(Authorised decision-maker pursuant to subsection 23(1) of the FOI Act)