



ASIC

Australian Securities & Investments Commission

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15 February 2016

Ben Fairless

By email: foi+request-1502abfab@righttoknow.org.au

Dear Mr Fairless

**Freedom of Information Request -
Advice to Applicant of Consultation with Affected Third Parties**

I refer to your email of 19 January 2016 seeking access under the *Freedom of Information Act 1982* (FOI Act) to the following:

a copy of any application made to OAIC to have an FOI applicant made vexatious.

On 4 February 2016, I advised you of the preliminary assessment of charges which apply to your request. The assessment was based on the following documents identified as falling within your request which relate to one vexatious applicant application ASIC has made to the OAIC dated 10 February 2012 (the VAA):

1. The VAA comprising 15 pages annexed to which are the following attachments:
 - a) a schedule of documents listing FOI requests made to ASIC by the applicant subject of the VAA comprising 22 pages;
 - b) the FOI requests made to ASIC by the applicant subject of the VAA; and ASIC's responses comprising 368 pages
 - c) various letters from ASIC to other government agencies comprising 16 pages

By email dated 9 February 2016 you advised that you wish to confine your request to the 15 page VAA and the letters passing between ASIC and various government agencies **(the refined request)**.

I confirm that there will be no charges payable for processing the refined request.

The VAA contains the personal information about the individual subject of the VAA. For this type of information, the FOI Act makes provision under s27A for consulting with the affected person to obtain their views before a final decision is made about releasing the documents. In deciding whether or not to release the documents, the FOI

decision-maker must objectively consider all the relevant factors involved in relation to the application, including the views contained in any submission from an affected party.


Accordingly, on 12 February 2016 I wrote inviting the affected party to make a submission if they so choose.

Under section 15(6) of the FOI Act, the normal statutory time limit of 30 days for processing the application has been extended by a further 30 days, to enable the affected party to put forward a submission. Accordingly, you will be notified of my decision on your request as soon as possible and before **23 March 2016** which is the end of the extended time period.

Please note that in the event that I decide, contrary to the views of the affected party, to release the VAA, access to the document cannot be granted to you until the affected party has been given the opportunity to seek either an internal review (within ASIC) of my decision or to seek review of by the Information Commissioner. You will be informed of any developments in this regard if applicable.

Should you have any questions concerning the processing of your request, please contact me on (03) 9280 3205 or by email at FOIrequest@asic.gov.au.

Yours faithfully



Mirijana Soldatic
FOI Coordinator, Chief Legal Office
(Authorised Decision-maker under section 23(1) of the FOI Act)