



ASIC

Australian Securities & Investments Commission

Our Ref: 17129/16

23 May 2016

Mr Phillip Sweeney

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**By email: [foi+request-1925-15425050@righttoknow.org.au](mailto:foi+request-1925-15425050@righttoknow.org.au)**

Dear Mr Sweeney

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

I refer to your email dated 7 May 2016, in which you sought access to a document under the *Freedom of Information Act* 1982 (FOI Act), and the subsequent email communications between us on this matter.

The document that falls within the terms of your request contains information which is information about the business, commercial or financial affairs of an organisation.

Under the FOI Act, this information may be exempt from release. For this type of information, the FOI Act makes provision under s27 for consulting with the affected party to obtain their views before a final decision is made on whether to release the relevant document. In deciding whether or not to release the document, 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 16 May 2016, I wrote inviting the party concerned to make a submission.

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 their submission. Accordingly, you will be notified of my decision on your request as soon as possible and before 6 July 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 document which is the subject of the consultation, 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 my decision by the Commonwealth Information Commissioner. The third party request for an

internal review by ASIC must be made within 30 days of being told of my decision on release and we are then required to process that request for internal review within 30 days. Naturally, you will be informed of any developments in this regard.

Should you have any questions concerning the processing of your request, please contact me on (02) 9911 5457 or via email at [evelyn.ong@asic.gov.au](mailto:evelyn.ong@asic.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Evelyn Ong', written in a cursive style.

Evelyn Ong  
(Authorised Decision-maker under section 23(1) of the FOI Act)  
For the Australian Securities and Investments Commission