

Our Ref: 29894/16



ASIC

Australian Securities & Investments Commission

2 September 2016

Mr Phillip Sweeney
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Dear Mr Sweeney

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

I refer to your email dated 17 August 2016 in which you sought access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

Certain documents that fall within the terms of your request contain information which is personal information about another individual and information about the business or professional affairs of another individual. Under the FOI Act this information may be exempt from release. For these types of information, the FOI Act makes provision under s27 and s27A for consulting with the affected person to obtain their views before a final decision is made on whether to release 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 2 September 2016 I wrote inviting the person concerned to make a submission.

Under section 15(6) of the FOI Act, the normal statutory time limit of 30 days for processing your FOI request 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 by 17 October 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 documents which are the subject of the consultation, access to these documents 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 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 03 9280 4652.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'T Brabet', with a stylized, cursive script.

Therese Brabet
for the Australian Securities and Investments Commission