



ASIC

Australian Securities & Investments Commission

23 February 2017

Mr James Smith  
Right to Know

Via email: [foi+request-3083-4300e05a@righttoknow.org.au](mailto:foi+request-3083-4300e05a@righttoknow.org.au)

Level 5, 100 Market Street,  
Sydney NSW 2000  
GPO Box 9827, Sydney NSW 2001  
DX 653 Sydney

Telephone: +61 2 9911 2000

Facsimile: +61 2 9911 2414

[www.asic.gov.au](http://www.asic.gov.au)

Dear Mr Smith

### **Acknowledgment of Freedom of Information Request**

I refer to your email dated 16 February 2017 in which you sought access under the Freedom of Information Act 1982 (**FOI Act**) to the following documents:

"I request the document(s) which describe the data provided to the external organisation(s) responsible for conducting the ballot(s) for all Enterprise Agreements put to staff for a vote.

The scope of this request is limited only to those ballots undertaken for enterprise agreements which were proposed to take effect after 30 June 2014.

The document shall describe the data given to the ballot agent. For example, employee name, employee identification number, employee email address, etc. I exclude the data for specific employees here; I am only after the 'meta-data'.

If it assists you to treat this as an administrative request for information I encourage you to do so. Otherwise, please consider this a formal FOI request."

I am not certain as to what your request refers to when you state that you are "only after the 'meta-data'". I will interpret this to mean that you are requesting the data information fields that have been given to the ballot agent. I will process your request on this basis and treat it as a valid application from 16 February 2017, unless you advise me otherwise by Monday 6 March 2017.

Your request will not be treated as an "administrative request". Subject to certain exceptions (for example where it becomes necessary to consult with affected third parties in respect to the disclosure of documents caught by the terms of the request) which may extend the processing time period, the FOI Act provides that an application must be processed within 30 days after receipt of a valid application.

You should note that, while the first five hours of decision making is free of charge, charges may be assessed for time spent in searching for and retrieving relevant documents, decision-making time in excess of five hours, photocopying and postage.

If a decision is made to apply processing charges, you will be provided with a preliminary assessment of the charges before the final decision is made about access to the documents you have requested. You will be told the final assessment of the amount to be charged at the time of the decision about access.

### **Agency Publication Obligations**

You are advised that Section 11C of the FOI Act requires ASIC to publish on our public website, copies of any documents which may ultimately be released to you, with the exception of personal information about any person, **or** information pertaining to the business, commercial or financial of any organisation **or** information pertaining to the business or professional affairs of any person, where it would be unreasonable to publish that information **or** documents in respect to which, the necessary modifications to the document to be released would make the release of the remainder of the document impractical. You are referred to the terms of section 11C.

Should you have any questions concerning the processing of your request please contact me on (02) 9911 2232.

Yours sincerely



Victoria Skinner

**Authorised Decision-maker pursuant to section 23(1) of the FOI Act**