



ASIC

Australian Securities & Investments Commission

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13 March 2017

Mr James Smith
Right to Know

Via email: foi+request-3083-4300e05a@righttoknow.org.au

Dear Mr Smith

Freedom of Information Request – Decision

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 sent you letter acknowledging your request on 23 February 2017. In that letter, I advised you that I was not certain as to what your request refers to when you state that you are "only after the 'meta-data'". I advised you that I would interpret this to mean that you are requesting the data information fields that have been given to the ballot agent. I also advised you that I would process your request on this basis and treat it as a valid application from 16 February 2017, unless you advised me otherwise by Monday 6 March 2017.

To date I have received no further advice from you. Accordingly, I have interpreted your request regarding "meta-data" to mean the data information fields that have been given to the ballot agent who has conducted enterprise agreement ballots.

The Australian Securities and Investments Commission (ASIC) has conducted two enterprise agreement ballots for staff since 30 June 2014. The information to conduct the ballots was provided to the ballot agent on the following dates:

1. 8 September 2015; and
2. 15 April 2016.

Please refer to Attachment 1 of this document for the specific data set that was provided to the external organisation responsible for conducting the ballot for the two enterprise agreement votes.

Review Rights

I provide you with the following information as required by section 26 of the FOI Act.

In the event that you are dissatisfied with the decision:

1. You may, within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for a review of my decision by another ASIC officer under section 54B of the FOI Act. This request should be addressed to me or to the Senior Manager, Administrative Law GPO Box 9827 SYDNEY or by email to foirequest@asic.gov.au
2. You may apply in writing to the Australian Information Commissioner for a review of my decision under section 54N of the FOI Act. Correspondence should be addressed to the Office of the Australian Information Commissioner at GPO Box 2999 Canberra ACT 2601 OR GPO Box 5218 Sydney NSW 2001.
3. You may lodge a complaint to the Australian Information Commissioner in respect to the conduct of ASIC in the handling of this request. Correspondence should be addressed to the Office of the Australian Information Commissioner - GPO Box 2999 Canberra ACT 2601 or GPO Box 5218 Sydney NSW 2001.

Yours sincerely



Victoria Skinner

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

Encl.: Attachment 1

Attachment 1

The following data set was provided to the ballot agent on 08/09/15:

A		B		C		D	E	F	G	H
ID		Surname		First Name		Birthdate	Location	Sal Plan	Grade	Team

The following data set was provided to the ballot agent on 15/04/16:

A		B		C		D	E	F	G
ID		Surname		First		Location	Sal Plan	Grade	DOB