



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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Our reference: 41205/18

16 January 2019

Mr Phillip Sweeney

**By email – [foi+request-5170-cb06d332@righttoknow.org.au](mailto:foi+request-5170-cb06d332@righttoknow.org.au)**

Dear Mr Sweeney

### **Freedom of information request – notice of access decision**

We refer to your request for access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 16 December 2018, you requested access to:

*copies of all internal emails made by Mr Asadi or received by Mr Asadi (of copies of phones logs of internal phone discussions) relating to ASIC ref. CAS-20359-K6F4BB*

Your request appears to relate to NULIS Nominees (Australia) Ltd and ASIC ref. CAS-20359-**K6F4BB**. If this is incorrect, please let me know by return email.

### **Decision and reasons for the decision**

The documents you request do not exist. Your request is refused in line with paragraph 24A(1)(b)(ii) of the FOI Act, which provides:

### **Requests may be refused if documents cannot be found, do not exist or have not been received**

Document lost or non-existent

- (1) An agency or Minister may refuse a request for access to a document if:
  - (a) all reasonable steps have been taken to find the document; and
  - (b) the agency or Minister is satisfied that the document
    - (i) is in the agency's or Minister's possession but cannot be found; or
    - (ii) does not exist.

We searched our electronic records and we have no documents that fall within the scope of your request. I am satisfied the documents do not exist.

### **Review rights**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner Review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

### **Internal review**

Under section 54 of the FOI Act, you may apply for an internal review of my decision. The internal review application must be made in writing within 30 days of the date of this letter.

Where possible, please include reasons why you believe review of the decision is necessary. The review will be carried out by another ASIC officer within 30 days.

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](mailto:foirequest@asic.gov.au).

### **Information Commissioner Review**

Under section 54L of the FOI Act, you may apply to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and can be submitted:

|           |                                                                                                                                          |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------|
| online    | <a href="https://forms.business.gov.au/aba/oaic/foi-review-enquiries@oaic.gov.au">https://forms.business.gov.au/aba/oaic/foi-review-</a> |
| email     | <a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>                                                                         |
| post      | GPO Box 2999, Canberra ACT 2601                                                                                                          |
| in person | Level 3, 175 Pitt Street, Sydney NSW                                                                                                     |

More information about Information Commissioner review is available on the [Office of the Australian Information Commissioner website](#).


### **Right to complain**

You may lodge a complaint with the OAIC about the conduct of ASIC in the handling of this request. You may contact the OAIC as described above.

### **Questions about this decision**

If you have any questions, please contact me by phone on 03 9280 4614 or by email at [david.asadi@asic.gov.au](mailto:david.asadi@asic.gov.au).

Yours sincerely



**David Asadi**  
**Authorised decision-maker under subsection 23(1) FOI Act**  
**Australian Securities and Investments Commission**