



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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Phillip Sweeney

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f5dc2b0e@righttoknow.org.au](mailto:foi+request-6481-f5dc2b0e@righttoknow.org.au)

Our Reference: FOI 128-2020

10 August 2020

Dear Mr Sweeney

Freedom of Information Request No. 128-2020
Acknowledgement of Request

I refer to your request dated 15 July 2020 under the *Freedom of Information Act 1982* (**FOI Act**) in which you seek access to documents in the possession of the Australian Securities and Investments Commission (**ASIC**).

Your request seeks access to the following:

"The documents are copies of any emails, memorandum or records of phone calls to and/or from:

- Warren Day
- Belinda Taneski
- Gerard Fitzpatrick
- James Shipton {or other ASIC Commissioners}

Related to these recent FOI requests"

I have taken your request to be for copies of any emails, memorandum or records of phone calls to and/or from Warren Day, Belinda Taneski, Gerard Fitzpatrick and James Shipton or other ASIC Commissioners in relation to your FOI requests received by ASIC between 28 June 2020 to 30 June 2020 (clustered and referenced as FOI 110-2020).

I am the authorised decision-maker for the purposes of section 23 of the FOI Act and this letter gives notice of my decision.

Decision and reasons for the decision

I have conducted a search in response to your request and have found no documents falling within the terms of your request were identified. As a result, 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.

I have consulted with relevant ASIC staff and have conducted searches for documents in response to your request in internal ASIC databases and our email management application Outlook. The dates searches were undertaken for was between 28 June 2020 to 15 July 2020. I confirm that we have no documents that fall within the scope of your request. I am satisfied the documents do not exist.

Review rights

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 an internal review of my decision under section 54B of the FOI Act. This review is an independent process conducted by a Senior Freedom of Information Officer at ASIC. This request should be addressed to me or to the Senior Manager, Freedom of Information, GPO Box 9827, Brisbane QLD 4001 or by email to foirequest@asic.gov.au.
2. You may within 60 days after the day on which you have been notified of this decision, apply in writing to the Office of the Australian Information Commissioner (OAIC) for a review of my decision under section 54N of the FOI Act. You may contact the OAIC by post at GPO Box 5218 Sydney NSW 2001, by email at enquiries@oaic.gov.au or by telephone on 1300 363 992.

Right to complain

You may lodge a complaint with the OAIC in relation to the conduct of ASIC in the handling of this request. You may contact the OAIC as set out above.

If you have any questions or wish to discuss, please contact me at krystal.fung@asic.gov.au.

Yours sincerely,



Krystal Fung
 (Authorised decision maker pursuant to subsection 23(1) of the FOI Act)
 For the Australian Securities and Investments Commission