



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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19 November 2020

Phillip Sweeney
By email only: [foi+request-6903-
695b6953@righttoknow.org.au](mailto:foi+request-6903-695b6953@righttoknow.org.au)

Dear Mr Sweeney

Freedom of Information Request No. FOI 238-2020

Consultation under s27 of the FOI Act

I refer to your request received by us on 18 November 2020 under the *Freedom of Information Act 1982 (FOI Act)* in which you have sought information from the Australian Securities and Investments Commission (**ASIC**).

Your request seeks access to the following:

'The document I seek is the terms of engagement for Egon Zehnder for conducting a 'behavioural' review of ASIC's leadership team in late 2019.'

I acknowledge receipt of your request in accordance with section 15(5) of the FOI Act.

Certain documents that fall within the scope of your request contain information concerning the business, commercial or financial affairs of an organisation, or a person's business or professional affairs. As such, ASIC is required to consult with the person or organisation concerned in accordance with section 27 of the FOI Act before making a decision on the release of these documents.

The consultation provision under section 27 of the FOI Act applies when a decision-maker forms the view that the person or organisation concerned may wish to contend that the requested documents are exempt because their release would disclose trade secrets, commercially valuable information or that it may adversely affect their business or financial affairs. For this reason, I have written to the affected third party to invite them to make a submission regarding release of the documents. I will take into consideration comments received from them noting that the final decision about whether the documents are exempt rests with me as the decision maker.

Pursuant to section 15(6) of the FOI Act the period for processing your request has now been extended by 30 days to allow ASIC time to undertake this consultation process. You should therefore expect a decision to be made by **18 January 2021**.

If you have any questions or wish to discuss your request, please email me at Justin.Frank@asic.gov.au .

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'J. Frank', written in a cursive style.

Justin Frank

Lawyer, FOI & Privacy

(Authorised decision maker under section 23(1) of the FOI Act)