



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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15 January 2024

NoseyRosey

By email: foi+request-12588-1fa9ea5c@righttoknow.org.au

**Freedom of Information Request No. FOI 296-2024
Notice of Decision**

Dear applicant

I refer to your request dated **14 December 2024** 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**).

On 18 December 2024, I issued you a section 24AB Practical Refusal Notice on the basis that the request did not satisfy the requirement in paragraph 15(2)(b) of FOI Act.

On 30 December 2024, you revised the scope of your FOI request.

In accordance with section 24AB(8) of the FOI Act, the time for processing your request is suspended from the day that you receive this letter, and resumes on the day after ASIC receives a valid revised request. Therefore, the new due date of your decision is **27 January 2025**.

On 30 December 2024, you revised the scope of your request to the following:

- *“Memoranda of understanding (MOUs), service-level agreements (SLAs), or other documents formalising the sharing of personal information originating from DVA.*

Governance Documents

- *Policies, procedures, or guidelines detailing how ASIC accesses, stores, handles, or uses personal information from DVA.*

Privacy and Ethical Deliberations

- *Any privacy impact assessments, internal reviews, or ethical considerations recorded regarding the receipt, use, or sharing of DVA data.*

Purpose and Use

- *Documents such as project proposals, internal reports, or briefings explaining why DVA client information was accessed or shared, how it was intended to be used, and the expected outcomes.”*

The 30-day statutory time period for processing your request commenced on the day after the day on which your request was received.

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

My decision is to refuse access to your request on the basis that there are no documents in scope.

I have taken the following material into account in making my decision:

- the terms of your request;
- details of the searches conducted by ASIC staff;
- the FOI Act, specifically section 24A(1); and
- the Australian Information Commissioner's FOI Guidelines issued under s 93A of the FOI Act (FOI Guidelines).

Searches undertaken

Teams with subject matter expertise conducted searches relevant to the terms of your request. The searches involved the subject matter experts using manual and keyword searches across the relevant case management systems.

I am of the view that all reasonable steps were undertaken to locate documents that fall within scope of the current request.

Reasons for my decision

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

Section 24A(1) of the FOI Act sets out the following:

(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 am of view that ASIC has taken all reasonable steps to find documents within the scope of your current request and I am satisfied that they cannot be found or 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, 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 foidr@oaic.gov.au or by telephone on 1300 363 992.

Right to complain

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

If you have any questions or wish to discuss, please contact me on (02) 9911 2454 or by email at shoumia.nithianantha@asic.gov.au.

Yours sincerely

Shoumia

Shoumia Nithiananthan
Privacy and Freedom of Information Lawyer
Australian Securities and Investments Commission (ASIC)