



Our Ref: ENF2014/14353
Your Ref: FOI 205

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13 August 2014

[REDACTED]
email: [REDACTED]

Dear [REDACTED]

**Freedom of Information Request -
Advice to Applicant of Consultation with Affected Third Parties**

I refer to your request dated 8 July 2014 in which you sought access to documents under the *Freedom of Information Act 1982* (FOI Act), my letter of 15 July 2014 under section 24AB of the FOI Act, and your subsequent request dated 23 July 2014.

Certain documents which fall within the terms of your request contain information which is information about the business, commercial or financial affairs of an organisation. Under the FOI Act this information may be exempt from release. For this type of information, the FOI Act makes provision under section 27 for consulting with the affected organisation to obtain their views before a final decision is made on whether to release the documents. In deciding whether or not to release the documents, the FOI decision-maker must objectively consider all the relevant factors involved in relation to the application, including the views contained in any submission from an affected party.

Accordingly, on 13 August 2014 I wrote inviting the entity concerned to make a submission.

Under section 15(6) of the FOI Act, the normal statutory time limit of 30 days for processing the application has been extended by a further 30 days, to enable the affected party to put forward their submission. Accordingly, you will be notified of my decision on your request as soon as possible and before 15 September 2014 which is the end of the extended time period.

Please note that in the event that I decide, contrary to the views of the affected party, to release the documents which are the subject of the consultations, access to these documents cannot be granted to you until the affected party has been given the opportunity to seek either an internal review (within ASIC) of my decision or to seek review of my decision by the Commonwealth Information Commissioner. The third party request for an internal

review by ASIC must be made within 30 days of being told of my decision on release and we are then required to process that request for internal review within 30 days. Naturally, you will be informed of any developments in this regard.

Should you have any questions concerning the processing of your request, please contact me on (02)9911 2204.

Yours faithfully

A handwritten signature in cursive script that reads "Fiona Lourey".

Fiona Lourey
Authorised decision-maker under section 23(1) of the FOI Act
For the Australian Securities and Investments Commission