
From: FOI
Sent: 27 April 2021 15:58
To: [REDACTED]
Subject: FOI 035-21 - Response

Dear [REDACTED]

Our Ref: FOI-035-21

Thank you for your request under the Freedom of Information Act dated 17/03/2021. The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days. Your request is shown below followed by our response.

(1) From 1st July 2020 to the current day, please provide all internal and external correspondence and communications that contains one or more of the following keywords (please use the keywords to locate the information requested):

**“Lord Brownlow” and/or “Brownlow”
“Downing Street” and/or “Downing Street Trust”
“Mike Chattey” and/or “Chattey”
“Carrie Symonds” and/or “Symonds”
“Boris Johnson” and/or “Prime Minister”
“Ben Elliot”
“Number 11”**

(2) From 1st July 2020 to the current day, please provide all correspondence and communications between Lord Brownlow and the Electoral Commission.

(3) From 1st July 2020 to the current day, please provide all correspondence and communications between the national Conservative Party (but not its subordinate accounting units) and the Electoral Commission.

By “correspondence and communications”, I define this as including, but not limited to:

- Emails (and their attachments)**
- Letters**
- Notes taken during telephone conversations**
- Briefings**
- Memos**
- Reports**
- Newspaper clippings**

I am happy for you to conduct an electronic search only. I would like to receive the information electronically. If you feel that a substantive response to this request is not possible within a reasonable time frame, or the request is too broad or too vague, I would be grateful if you could contact me and provide assistance as to how I could refine the request. We sought clarification and your subsequently clarified your request is:

In regards to the topic/theme, it would be the Downing Street refurbishment; the alleged use of £60,000 in Conservative Party funds for that refurbishment around July 2020; and an alleged £60,000 donation from David Brownlow (Lord Brownlow) into Conservative Party funds around October 2020 to reimburse that cost.

Our response is as follows:

We hold some of the information you have requested.

The Commission has publicly stated that it is in discussions with the party regarding this matter. Those discussions are for the purpose of establishing whether any funds received by the party were reportable to the Commission. The Commission is therefore seeking to establish whether any regulatory action is justified in this matter, and we consider the information we hold to be exempt from disclosure under section 31(1)(g) of the Act.

Section 31(1)(g) exempts from disclosure information that would or would be likely to prejudice the exercise of the Commission's functions under PPERA for the purposes of ascertaining whether there are circumstances which would justify regulatory action in pursuance of any enactment or may arise as provided by s31(2)(c) of the FOI Act.

The Commission considers that disclosure of the information you have requested would prejudice the exercise of the Commission's statutory functions and its ability to conduct regulatory work such as in this matter.

It is important that the Commission is able to hold such discussions in confidence, and disclosure of the information you have requested would be likely to discourage organisations from engaging with the Commission and co-operating if the organisation had reason to believe that detailed information about those discussions was to be made public.

Application of the section 31 exemption is subject to the public interest test. There are a number of factors that must be considered and weighed in the balance. The factors we have considered are set out below.

The public interest lies in enabling the Commission to undertake regulatory work based on a firm factual basis and to gather information on a confidential basis. It is in the public interest to maintain this confidentiality, as it allows the Commission to conduct such work without fear that it would be undermined by disclosure, and encourages the free and frank provision of information from others to the Commission without which the Commission could not perform its statutory functions.

The Commission aims to be robust and fair in its regulatory work. We acknowledge that there is a legitimate public interest in carrying out our functions in an open and transparent way, and in promoting public understanding of our work as a regulator. These are matters we acknowledge and take into account, including when deciding whether to disclose information, whilst ensuring proper regulation of party political funding. For those reasons we seek to be as transparent as possible, and in this case we have confirmed publicly that we are in discussions with the party and that the party is co-operating with us. We will also publicly confirm the outcome of this matter in due course. Having weighed these facts carefully, we do not consider that any public interest in disclosing the information you have requested outweighs the public interest in our being able to gather information on a confidential basis.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at:

www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <https://ico.org.uk>.

Yours sincerely,

Information Team

The Electoral Commission

electoralcommission.org.uk