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**From:** FOI  
**Sent:** 30 April 2021 13:57  
**To:** [REDACTED]  
**Subject:** FOI 052-21 FOI Response

Dear [REDACTED]

**Our Ref: FOI 052-21**

Thank you for your request under the Freedom of Information Act dated 28/04/2021.

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.

**Today the Electoral Commission announced that it will look into “whether any transactions related to the works on the prime minister's flat, above 11 Downing Street, were properly reported”, saying there were "reasonable grounds to suspect that an offence or offences may have occurred". As the Electoral Commission is publicly funded I am requesting, under the Freedom of Information Act (FOI), copies of any information relating to the works of the PM's flat that led the Electoral Commission to conclude that there were "reasonable grounds to suspect that an offence or offences may have occurred". These may include but not be limited to: any written documents, emails, copies of minutes of telephone conversations, minutes of meetings with sources and/or Electoral Commission officials and any other relevant documents which led the Commission to conclude that there were "reasonable grounds to suspect that an offence or offences may have occurred" and to investigate this matter further. As the Commission will be aware the Prime Minister has already answered questions in Parliament and stated that he has covered these costs personally. I am therefore seeking from the Commission all the relevant information and in particular the identities of the sources that are alleging that the PM is lying to Parliament. As you appreciate we live in a democracy and therefore anyone with such information can come forward without fear if they are telling the truth. I look forward to your response within 30 days.**

Our response is as follows:

We hold some of the information you have requested. We do not hold any information as to ‘the identities of the sources that are alleging that the PM is lying to Parliament’. We consider the remainder of the information you have requested to be exempt from disclosure.

**Exemption under sections 30(1)(a) (i) and 31(1)(g)**

The Commission has a statutory function to conduct investigations into potential breaches of the reporting requirements in Political Parties, Elections and Referendums Act 2000 (“PPERA”). The information requested is held by the Commission in relation to such an investigation.

Section 30(1)(a)(i) of the Freedom of Information Act 2000 (FOI) provides for exemption from disclosure of information which has been held at any time by a public authority for the purpose of any investigation which the authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence. The section 30 exemption applies to information that is held at any time, whether or not the investigation is on-going.

Where there is no evidence of criminal activity, or in any event, the Commission may consider civil breaches. In so far as investigations relate to other potential breaches of PPERA, 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 any person has failed to comply with the law, as provided by s31(2)(a) of the FOI Act. Section 31 applies only to the extent that the information is not exempt under section 30.

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 investigations such as in this matter.

Applications of the section 30 and 31 exemption are both 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 inquiries as part of its investigation powers so that it can make regulatory decisions based on a firm factual basis and to gather such evidence and facts on a confidential basis. It is in the public interest to maintain this confidentiality, as it encourages the free and frank exchange 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 decisions. We acknowledge that there is a legitimate public interest in carrying out investigations in an open and transparent way, and in promoting public understanding of the decisions we make 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 that reason we have, as you know, made public that an investigation has been opened and explained why we have done so, and we have committed to making public the outcome of the investigation. In doing so we will again carefully consider the public interest in promoting understanding of our decisions.

In carrying out effective inquiries the Commission depends on being able to secure the co-operation of those individuals and entities from whom we seek information. Whilst the Commission has powers to require information, the co-operation of the regulated community remains essential to our ability to conduct our statutory functions. As our investigations rely on gathering evidence from these individuals and entities it is clearly in the public interest that we maintain their co-operation and avoid releasing information that could prevent exchange of relevant information in the future and have the effect of hindering our ability to conduct our statutory functions.

Those individuals and entities had and continue to have a reasonable expectation that information provided in the course of the investigation would not be made available to the public at large. If information provided in the course of our investigations was made public under the Act, it would make individuals and entities reluctant to co-operate and may prejudice interactions with them as well as others in the future. This would in turn impact on the type, timeliness, and quality of information

provided to the Commission during its investigations which would prejudice the Commission's ability to conduct its statutory functions.

Having carefully weighed the public interest relating to possible disclosure of the information requested under Sections 30(1)(a)(i) and 31(1)(g), we are satisfied that it is not appropriate at this time to disclose the information which the Commission holds. The Commission is satisfied that maintaining the exemption outweighs the public interest in disclosure.

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](http://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](http://electoralcommission.org.uk)