

[REDACTED]

From: [REDACTED]
Sent: 17 January 2018 18:22
To: [REDACTED]
Subject: FW: FOI 188/17 English Independence Emblem Confirmation - Response to Questions
Attachments: LE UKIP Email CCM0311082.pdf

From: FOI
Sent: 17 January 2018 17:44
To: [REDACTED]
Subject: FOI 188/17 English Independence Emblem Confirmation - Response to Questions

Dear [REDACTED]

Further to my email of Thursday 11 January 2018 in relation to your comments and questions about our response to your request reference **FOI 188/17**. The aim of the Freedom of Information Act (FOIA) is to release in to the public domain information that we hold as a public body that falls within the scope of the request as received.

We answer every request with this view in mind and in due course the response and released information will be published on our public website. There are specific exemptions set out in the Act and related guidance from the ICO which restrict the release of certain information. When applying these we must advise what exemption we are applying and why it is appropriate.

The information you requested the Commission release in your request reference FOI 188/17 was as follows:

Please provide FOI access to all public comments on our registration.

Did UKIP complain or not? If so, on what basis?

What did approval board members say as comment? Who voted for, and against?

Were any by Scottish and Irish members, against whom EI sides with England & Wales to remove Barnett - costing these board members £1324 as a family, £331 per man, woman and child.

I have addressed below the relevant points you raised in your emails of Wednesday 10 and Thursday 11 January 2018 subsequent to our response to your request.

The UKIP response appears to be outside the 10 day? limit for public responses.

On 10 January in an email to the Commission you refer to a 10 day limit for receipt of correspondence in response to an application published on the Commission's website for comment. That text on our website is designed to elicit a prompt response from those that wish to comment. However, the Commission is not prevented from taking into account as appropriate any comments received outside of that timeframe.

Why would Louise Edwards be referring to a 30th October letter to UKIP that is NOT released in this FOI?

Please find a redacted copy of this email attached. The redactions applied remove personal information in line with the s.40 exemption under FOIA and any information that is not related to your request.

Please release ALL correspondence between UKIP, the Commission and / or others, regarding our lion eating pie symbol. That should include any phone log information.

The above request for ALL correspondence in relation to a specific symbol is a new request under the FOIA framework and would be treated separately from our response to FOI 188/17. Please confirm if you would like us to take this forward new request forward under FOIA.

The recommendation document in relation to the emblem that you reference was not released as part of your request reference 188/17 as it falls outside of the scope of your request as written. The recommendation document is not a public comment in relation to the registration. If you had asked for all internal and external communication and information in relation to the registration of the English Independence Emblem the document would have been released. If you would like to make that request under FOIA please do let us know.

You also raised separately a question over the levels of redacted information in our response and our application of the s40 exemption in relation to personal data. Under the Freedom of Information Act s.40 is an absolute exemption which means that it is not subject to the public interest test. Work email addresses are considered by the ICO to be personal information under the first data protection principle. The redactions as applied to contact information will not be changed.

Other areas of the response that were redacted are due the information not falling within the scope of your request. The Freedom of Information Act provides a public right of access to information in relation to the scope of your request not all the information within the same document or email that contains a mention or comment that is due for release within the scope of the request. In this instance while we felt our explanation should have been clearer in our response letter the redactions that have been applied are appropriate and will not be changed at this point.

If you are not happy with the response provided under the Freedom of Information Act you can request an Internal Review of the response by responding to my e-mail and advising the reasons for your request.

Internal Reviews look at the handling of your Freedom of Information request by the Commission and our response. Internal Reviews are undertaken by a member of the Senior Leadership Group who has not been involved in the handling of your initial request.

If you would like further information about requesting information from public bodies please find a link below to the ICO website. The ICO provides guidance to help you make informed and effective requests under the Freedom of Information Act <https://ico.org.uk/for-the-public/official-information/>

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Information, Knowledge and Systems Manager

The Electoral Commission

3 Bunhill Row

London EC1Y 8YZ

FOI@electoralcommission.org.uk

electoralcommission.org.uk

yourvotematters.co.uk

[REDACTED]

From: Louise Edwards
Sent: 15 January 2018 16:35
To: [REDACTED]
Subject: [REDACTED]

From: Louise Edwards
Sent: 30 October 2017 09:57
To: [REDACTED]
Subject: RE: [REDACTED]

Dear John

Thanks for this – we will look out for your comments and consider them carefully.

I should let you know however, that the existence of intellectual property rights in a name, description or emblem are not a reason under PPERA to refuse a registration application. That may be something you wish to consider in terms of any submission you make to the Commission.

You can find information about the statutory tests that the Commission will consider when deciding whether or not to register an identity mark in the Commission's guidance '[Overview of names, descriptions and emblems](#)'.

[REDACTED]

With regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
020 7271 [REDACTED]
electoralcommission.org.uk
yourvotematters.co.uk

[Twitter](#) | [Facebook](#) | [Blog](#)

From: John Bickley [REDACTED]
Sent: 27 October 2017 11:01
To: Louise Edwards
Cc: [REDACTED]
Subject: Re: [REDACTED]

Thank you Louise.

I will add comments to the website re the English Independence logo, however in straightforward terms theirs is a breach of our copyright.

Regards
John Bickley

[REDACTED]

On 27 Oct 2017, at 07:57, Louise Edwards [REDACTED] <[\[REDACTED\]@electoralcommission.org.uk](mailto:[REDACTED]@electoralcommission.org.uk)> wrote:

Dear John

[REDACTED]

On a separate matter, I believe our registration team has contacted UKIP to note that if you wish to use the party's recently announced logo as an emblem on ballot papers, you will need to make an application to us. I wanted to draw your attention to an application we have received from a party called English Independence. They are applying for new emblems – you can see their application [here](#). As you may be aware, as part of the application process for new party identifiers we publish them and invite comment. If you have any comments to make on this application, please follow the instructions on the webpage.

With regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
020 7271 [REDACTED]
electoralcommission.org.uk
yourvotematters.co.uk

[Twitter](#) | [Facebook](#) | [Blog](#)

From: John Bickley [REDACTED]
Sent: 25 October 2017 10:27
To: Louise Edwards
Subject: [REDACTED]

Dear Louise,

[REDACTED]

[REDACTED]

[REDACTED]

Many thanks for your help

[REDACTED]

[REDACTED]