From:	FOI
To:	[redacted]
Cc:	FOI
Subject:	BBC Spotlight, Northern Ireland FOI Response 184/17
Date:	14 December 2017 15:15:09

Dear [redacted],

Our Ref: FOI 184/17

Thank you for your email to the Electoral Commission dated **24 November 2017**.

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 in bold below followed by our response.

Earlier this year the Commission issued the following statement: "The commission concluded an investigation into failures by a regulated entity to comply with PPERA (the Political Parties, Elections and Referendums Act). The regulated entity came into compliance, and the commission imposed a penalty of £6,000. The commission cannot disclose any further information about this case because of the restrictions on disclosure under section 71E of PPERA."

Section 71E relates to donations made in Northern Ireland.

Can the Commission explain what "the regulated entity came into compliance" means in this instance?

Can the Commission tell me whether it now knows the original source of the donation in question? I am not asking the Commission to reveal any information it has "obtained" but merely to reveal what it knows or has generated itself and therefore do not believe it is prevented from answering the question by the restrictions on disclosure under section 71E of PPERA. It is surely in the public interest that the Commission knows the true identity of donors and can reassure the public to that effect?

On 24 November 2017, the Electoral Commission sought clarification on the context of the quotation that you have provided.

You responded on 24 November 2017 with **'The quotation is from the Electoral Commission's statement of cases on its website dated 15th August 2017. http://www.electoralcommission.org.uk/__data/assets/pdf_file/0009/151659/Cases-publication.pdf'**

Our response is as follows:

As you have noted, the Commission is prohibited by legislation from releasing information in relation to donations that may have been given to a registered Northern Ireland party. Section 71E of the Political Parties Elections and Referendum Act 2000 (PPERA) places a duty of confidentiality on the Commission in relation to information that relates to donations to Northern Ireland recipients or information relating to our function in this area.

The prohibition applies regardless of whether material has been obtained or generated by the Commission. There is no public interest consideration.

We therefore consider the information requested to be specifically prohibited from being released by section 71E of PPERA. Section 44 of the Freedom of Information Act 2000 exempts from disclosure any information if its disclosure is prohibited by any enactment.

We are, therefore, unable to confirm or deny as to whether or not we hold such information as you have requested.

You have also asked what “the regulated entity came into compliance” means in this instance. For the reasons noted above we are unable to comment on this instance, but there are many circumstances in which an organisation that is not compliant can come into compliance, effectively by taking action to rectify a situation. For example, where a registered party delivers a campaign expenditure report without some of the required invoices and receipts, it could then deliver the missing invoices and receipts, albeit late, in order to come into compliance.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

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: http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-I-make-an-foi-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,

[redacted]
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