From: FOI
Sent: 26 January 2021 20:27
To: [redacted]
Subject: FOI 001-21 - Response

Dear [redacted]

Our Ref: FOI 007-21

Thank you for your request under the Freedom of Information Act dated 03/01/21 and received by the Commission on 04/01/21.

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.

Re The change of name of The Brexit Party to Reform UK

1) when will the Commission decide upon this application ?
How soon after making a decision will this appear on your website ?
2) may I please see copies of all correspondence relating to this application ie.
A) Letters
B) Emails
C) Telephone transcripts
3) May I please see a list of those individuals and organisations you have consulted about this application from the time it was made until the decision.
4) May I also see any inward correspondence re this and the Commissions responses if not included in (2) above.

On 14/01/21 The Commission wrote to advising you, your request exceed the time limit and assisted you by advising you that you narrow the scope of your request. You could achieve this, for example, by:

- Limiting the request to either just application documents or assessment notes relating to the application in question.
- Limiting the scope of correspondence to just that between the Registration Team and the Approvals Board. The Approvals Board is the Commission's internal decision making body, chaired by the Director of Regulation who takes the final decisions on registration applications. Decisions on registration applications are informed by recommendations made by the Registration Team.
- Limiting the scope of correspondence to just that between the Commission and The Brexit Party.

On 15/01/21 you replied "kindly limit the request to items 3 and 4."

On 15/01/21, the Commission replied advising that the majority of materials identified are internal emails therefore the cost threshold will still be exceed. And so to consider your request further as specified in yesterday's email (bullet points above).

On 15/01/21 you replied "Just limit the request to that between the Commission and those you directly consulted."

Our response is as follows:

We hold the information you have requested.

We did not consult anybody externally about the application in question, so do not hold information relating to consultations we made outside of our organisation.

We can confirm that we consulted our internal legal team on this application. The Commission considers this information regarding this request exempt from disclosure under section 42 of the FOI Act, and we are withholding this information from release.

For the reasons set out below, the Commission considers that legal advice is exempt from disclosure under section 42 of the FOI Act, and we are withholding this information from release. Section 42(1) provides for exemption from disclosure information that is privileged under legal professional privilege. The requested information being withheld from disclosure under section 42 constitutes legal advice relating to this matter; it is legally privileged communications and advice provided by legal advisors.

Application of this exemption is subject to the public interest test. There is a public interest in transparency and accountability. However, it is also in the public interest to safeguard the confidential nature of legally privileged communications and advice so as to allow openness in all communications between client and lawyer to ensure access to full and frank legal advice which in turn is fundamental to the administration of justice. There is an inherent and strong public interest in maintaining this privilege given it is in the public's interest to ensure openness in order to safeguard access to fully informed, realistic and frank legal advice. The maintenance of this privilege, as the Information Commissioner's Office and the courts have stated, helps ensure the administration of justice and the effective undertaking of public policy.

Having carefully weighed the public interest relating to possible disclosure of the information requested under s 42(1), we are satisfied that it is not appropriate at this time to disclose the information that 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

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