From: FOI
Sent: 15 June 2018 10:41
To: [redacted]
Subject: FOI 019/18 Correspondence with Christopher Montgomery - Response

Dear [redacted]

Our Ref: FOI 019/18

Thank you for your email to the Electoral Commission dated **01 February 2018**.

The Commission aims to respond to requests for information promptly and regrets that on this occasion we have not done so.

Your request is in bold below followed by our response.

1) I would like to request all internal correspondence and communications held by the Electoral Commission that mentions, or refers to, Christopher Montgomery (who is a former chief of staff to the DUP MPs and member of the board of Vote Leave).

2) I would like to request all external correspondence and communications held by the Electoral Commission with Christopher Montgomery.

3) I would like to request all external correspondence and communications held by the Electoral Commission that mentions, or refers to, Christopher Montgomery.

I define correspondence and communications as including (but not limited to) the following:

- Emails
- Letters
- Invoices
- Memos
- Briefings
- Research documents
- Press clippings
- Invitations
- Presentation slides
- Notes taken during telephone conversations

4) Please indicate whether any representatives from the Electoral Commission have held meetings with Christopher Montgomery. If so, for each meeting, please provide the following details:

- A full list of attendees, including the full names and titles of each attendee, as well as who each attendee represents
- The exact time and date of when the meeting took place
- The location of the meeting
- A copy of the agenda for the meeting
- Materials that were handed out and received during the meeting, such as presentation slides, brochures, reports, and leaflets

- Minutes taken during the meeting, as well as any accompanying briefing notes and papers

You later provided the following timeframe: **1 January 2015** and **31 December 2017**

Our response is as follows:

We hold the information that you have requested. However, the cost of your request exceeds the limits for time and cost set out in section 12 of the FOIA and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. On this occasion we will not be taking your request further. In this email I will explain why that is and provide advice as to how you could refine your request so that we may be able to answer it.

Section 12 of the FOIA allows us to decline to answer FOI requests when we estimate that it would cost us more than £600 (equivalent to 3.5 days' work, calculated at £25 per hour) to identify, extract and then provide the information you have requested.

In order to ensure we identify all information within the scope of your request we would need to search manually all external correspondence between the specified dates which is likely to mention or refer to Mr Montgomery. This is because our search facilities will not automatically pick up key words from within the text of emails.

As you identify, Mr Montgomery has had roles in two regulated bodies – the DUP and Vote Leave. As I am sure you would expect, the Commission has extensive correspondence with both entities from within the date range you have given. It is also possible that Mr Montgomery may have been mentioned in other correspondence with the Commission that would not be identified by searching correspondence with those two entities.

We might be able to provide information you are seeking following a refined request if it was within the cost limit. You may wish to consider, for example:

- identifying any particular information you are seeking, so that we can search for that specifically;
- specifying particular campaigners or other organisations; or
- specifying a shorter timeframe.

Please be aware that we cannot guarantee at this stage that a refined request will fall within the cost limit.

I would also refer you to the information we have already published in response to an FOI request that included correspondence with Mr Montgomery, please find the link below:

https://www.electoralcommission.org.uk/__data/assets/pdf_file/0007/223387/FOI-14-17.pdf.

You may find other published FOI responses relevant as well, depending on the information you are seeking. All our published FOI responses can be found in this linked to area of the website:
https://www.electoralcommission.org.uk/freedom-of-information-requests

I regret that we have not been able to fulfil your request in this instance. Commission is committed to being an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this

regard. There is more information and guidance about the section 12 exemption contained in Appendix 1.

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]

Access to Information Officer (FOI & DPA)
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
electoralcommission.org.uk
yourvotematters.co.uk

Twitter | **Facebook** | **Blog**

Appendix 1: Additional Information about Section 12 FOIA
We have provided below additional information about Section 12 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities (1) Any person making a request for information to a public authority is entitled— (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.

Section 12: Cost of compliance exceeds appropriate limit (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit. (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases. (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority— (a) by one person, or (b) by different persons who appear to

the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them. (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Guidance

The appropriate limit

The 'appropriate limit', for the purposes of section 12 of the Freedom of Information Act has been set at:

- £600 for central government and Parliament.
- The hourly rate is set at £25 per person per hour.

The following activities may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded.

- determining whether it holds the information requested
- locating the information or documents containing the information
- retrieving such information or documents
- extracting the information from the document containing it.