From: FOI
Sent: 06 April 2018 15:37
To: [redacted]
Cc: FOI <FOI@electoralcommission.org.uk>
Subject: FOI 045/18 Democratic Unionist Party Correspondence - Response

Dear Mr [redacted]

Our Ref: FOI 045/18

Thank you for your email to the Electoral Commission dated **09 March 2018.**

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.

I would like to apply under the Freedom of Information Act correspondence between the Democratic Unionist Party and the Electoral Commission regarding plans to lift the ban on naming donors to political parties in Northern Ireland.
In particular, I would like copies of any correspondence between the DUP and the Commission concerning the above topic.
I would also like minutes of any meetings between the DUP and the Commission on the above topic.
I would especially like any correspondence or minutes of meetings held by Commission concerning the Constitutional Research Council and any donations they may have made to the DUP.
I would like to request the above for the period January 1, 2016 to March 9, 2018. If that is too long of a time frame, could I reduce the time period to January 1, 2017.

Our response is as follows:

We hold some of the information you have requested.

I refer you to seven previous FOI responses (available on our website) which are relevant to your request:

FOI 114/17 – FOI request seeking all communications between the Electoral Commission and the Constitutional Research Council.

FOI 115/17 – FOI request seeking information related to a donation to the Constitutional Research Council.

FOI 115/17 IR - Internal Review request of FOI seeking information related to a donation to the Constitutional Research Council.

Complaint made to the Information Commissioner's Office – the outcome can be found on their website https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2172946/fs50703027.pdf

FOI 148/17 – FOI request seeking all communications which mention the Constitutional Research Council.

FOI 192/17 – FOI request about plans to implement legislation in Westminster lifting the ban on naming donors to political parties in Northern Ireland

FOI 199/17 – FOI request seeking all communications with Richard Cook, chair, and the Constitutional Research Council

FOI 010/18 – FOI request about the Democratic Unionist Party's Brexit campaign spending

Additional correspondence and documents that relate to your request are attached.

You will notice that certain personal details have been redacted from some of the documents we are releasing. This redaction is necessary because section 40(2) and (3)(a) of the Freedom of Information Act 2000 (FOI) Act provides that personal data, where its disclosure would breach one of the data protection principles, is exempt from disclosure. The first data protection principle states that personal data must be processed fairly and lawfully.

The Commission also considers that it would be unfair to release the names and personal contact details of junior officials, who were not employed in public facing roles and did not act as spokespersons for their employer, as those individuals would have a reasonable expectation that this personal data would not be disclosed to the general public. Other personal data has been withheld as it relates to sensitive personal data of identifiable, living individuals.

Some of the documents that we hold with regard to your request cannot be released as the Commission is prohibited by legislation from releasing this information. 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 from Northern Ireland recipients or information relating to our function in this area where the donation was accepted prior to 1 July 2017.

Section 44 exempts from disclosure any information if its disclosure is prohibited by any enactment. As stated, the information requested is specifically prohibited from being released by section 71E of PPERA.

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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Briefing

The Electoral Commission

The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018

Overview

This briefing provides the Electoral Commission's view on the Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018. The Order is scheduled for debate in the House of Lords on Tuesday 27 February.

The Commission supports this Order. Transparency is an essential component of increasing public confidence in the democratic process. Information on how political parties, candidates and other campaigners raise and spend money should be open to timely public scrutiny. Once in force, this Order will allow us to start publishing regular information about donations and loans to political parties and other regulated entities in Northern Ireland for the first time.

What the Order will allow us to do

Subject to coming into force, the Order will allow us to publish information about donations and loans reported by Northern Ireland political parties and other regulated entities from 1 July 2017 onwards as part of our regular publication cycle.

If this Order is not made then the Commission will continue to be prohibited from publishing any information relating to political donations in Northern Ireland, which would be disappointing for voters and others who want transparency.

We have published an update on our website and a factsheet to inform political parties and other regulated recipients of donations or loans about the proposed changes. It is available at: https://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/reporting-donations-and-loans-northern-ireland. We have also written to all MPs, MLAs and Northern Ireland parties to inform them about this guidance.

Our view on transparency from January 2014

This Order represents the first opportunity for us to begin publishing information about donations and loans to political parties and other regulated entities in Northern Ireland. We will continue to recommend that a further Order should be brought forward in the near future to provide for full transparency back to 2014, as anticipated by the Northern Ireland (Miscellaneous Provisions) Act 2014.

The 2014 Act said that the names of donors and lenders from January 2014 may be made public at some point in the future. At that time we wrote to all of the political parties in Northern Ireland to advise them that they should make clear to their donors that any donations received from January 2014 may be made public.

We strongly urge the UK Government to bring forward a further Order at a later date that would enable us to publish donation and loan information for the period dating back to 1 January 2014. This would however require detailed separate consideration about how to ensure information from the period before 31 December 2013 was kept confidential as required by the law.

For further information please contact [redacted]

[redacted]

From: [redacted]>
Sent: 09 March 2018 12:36
To: [redacted]
Subject: RE: Publication of Q3 2017 and Q4 2017 donations

Good.

From: [redacted]
Sent: Friday, March 9, 2018 11:06 AM
To: [redacted]
[redacted] Q3 2017 and Q4 2017 donations

Hi

As The Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018 has come into force the Electoral Commission is now able to publish information on donations and loans reported to us from 1 July 2017 onwards.

As such I wanted to let you know that we plan to publish the donations reported to us in Quarter 3 (July-September 2017) and Quarter 4 (October-December 2017) at 11am on **Monday 12 March** on our website.

We will also issue a press release at this time that will include details on the amount of donations reported to the Commission by your party. If you would like a copy of the press release on Monday morning please let me know.

Regards
[redacted]

[redacted]
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[redacted]

From: [redacted]
Sent: 04 April 2016 12:08
To: Ann Watt; [redacted] Bob Posner; [redacted]
Subject: DUP policy on donation and loans

Hi all

The DUP launched their Assembly election manifesto this morning:
http://www.mydup.com/publications/view/dup-manifesto-2016

As you will see on page 27 they have changed their policy on donations and loans. They now support implementing the same regime as in the rest of the UK (BUT also that parties in Northern Ireland should not be able to accept donations from outside the UK).

[redacted]

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