From: FOI
Sent: 19 April 2018 15:42
To: [redacted]
Cc: FOI <FOI@electoralcommission.org.uk>
Subject: FOI O49/18 Northern Ireland Correspondence - Response

Dear Mr [redacted]

Our Ref: FOI 049/18

Thank you for your email to the Electoral Commission dated **21 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 request the following:

- All correspondence and communications between the Electoral Commission and the political parties in Northern Ireland, concerning when the Electoral Commission informed the parties "to advise them that they should make clear to their donors that any donations received from January 2014 may be made to the public."

- All subsequent correspondence and communications between the Electoral Commission and the political parties in Northern Ireland, on the subject of the Electoral Commission informing the parties "to advise them that they should make clear to their donors that any donations received from January 2014 may be made to the public."

By "correspondence and communications", I define this term, but not limited to, the following: emails and their attachments, email threads, letters, and faxes.

Our response is as follows:

We hold the information you have requested.

We have attached a template of a letter which was sent to all registered party treasurers and members of the Northern Ireland Assembly Parties Panel in December 2013. We have also attached a template of a letter we sent to all current MEPs, MPs, MLAs and Councillors in December 2013.

The attached factsheets were published on our website.

Information you have requested is also contained in minutes of meetings of the Northern Ireland Assembly Parties Panel, during 2013 and 2014. These minutes are publicly available on our website and can be accessed at this link.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority.

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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The Electoral Commission

12 December 2013

Dear

Important changes to the confidentiality rules on donations and loans to registered political parties in Northern Ireland

I am writing to advise you about two important changes that will be made to the rules on the confidentiality of donations and loans as a result of the Northern Ireland Miscellaneous Provisions Bill 2013, which is expected to receive Royal Assent in early 2014.

As things stand it is unlawful for the Commission to disclose any information about donations and loans made to registered political parties in Northern Ireland. This arrangement has been in place since 1 November 2007 for donations and from 1 July 2008 for loans. This confidentiality requirement has been extended on a number of occasions by the Secretary of State for Northern Ireland and is due to expire on 30 September 2014. It is referred to as the 'prescribed period'.

1. **Changes to reporting arrangements for donations and loans received from 1 January 2014**

The new legislation ensures that the names of those who made donations and/or provided loans before 1 January 2014 will remain confidential and will never be made public. However, it also gives the Secretary of State the power, through secondary legislation, to require the Commission, at some point in the future, to **publish information about donations and loans received by a party from 1 January 2014, including information that will identify the donor or lender.** The point at which this power will be used is for the Secretary of State and for the UK Parliament to decide and will be subject to an assessment of the security situation prevailing at the time.

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INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

As such you should make sure all of those who donate and/or lend amounts of more than £7,500 to your party (or £1,500 to your party's accounting units) from 1 January 2014, understand that their identities will be made public at some point in the future. This will also apply to donations and loans of more than £1,500 made to regulated donees (members of political parties and holders of elective office such as MPs, MEPs, MLAs and councillors) from 1 January 2014.

We hope that you agree that this is an important change. Since 2009, voters have consistently told us that they want information on how political parties are funded in Northern Ireland. Our most recent survey, conducted in December 2012, found that 62% of respondents were of the opinion that information about how political parties are funded should be made publicly available, while fewer than one in ten (7%) said it should remain confidential.

2. Publication of anonymised information on donations received from 1 November 2007 to 31 December 2013 and loans received from 1 July 2008 to 31 December 2013.

The new legislation also provides for changes to the retrospective disclosure of donations and loans covering the period between 1 November 2007 and 31 December 2013. Under existing legislation, once the prescribed period ended we would have been legally required to publish full details of all donations and loans reported to us during this period. In our view this would have been contrary to the expectations of donors and lenders, who believed that their details would never be disclosed when the 'prescribed period' ended. As noted above, the Bill ensures that information that could identify donors and lenders during this period will not now be published.

However, the Bill includes a power to allow the Secretary of State to make secondary legislation to allow the Commission to publish some information about donations and loans reported to us during this time. It could, for example, include information about the value of reported donations, the nationality of donors or whether the donor was an individual or a company. However it will not permit details to be published that would identify a particular donor or lender. The precise details of the information that can be published under this power will be set out in secondary legislation expected in 2014.

We will let you know both when the Bill becomes law and when any secondary legislation is tabled that gives effect to the changes outlined above. In the meantime if you have any questions about the changes to the rules or would like to meet and discuss these issues then please contact me or [redacted] on [redacted].

Yours sincerely

[redacted]

Séamus Magee
Head of Office Northern Ireland
[redacted]@electoralcommission.org.uk
[redacted]

The Electoral Commission

17 December 2013

Dear Councillor

Important changes to the confidentiality rules on donations and loans to registered political parties and holders of elective office in Northern Ireland

I am writing to advise you about two important changes that will be made to the rules on the confidentiality of donations and loans as a result of the Northern Ireland Miscellaneous Provisions Bill 2013, which is expected to receive Royal Assent in early 2014.

As things stand it is unlawful for the Commission to disclose any information about donations and loans made to registered political parties and regulated donees (members of political parties and holders of elective office such as MPs, MEPs, MLAs and councillors) in Northern Ireland. This arrangement has been in place since 1 November 2007 for donations and from 1 July 2008 for loans. This confidentiality requirement has been extended on a number of occasions by the Secretary of State for Northern Ireland and is due to expire on 30 September 2014. It is referred to as the 'prescribed period'.

1. **Changes to reporting arrangements for donations and loans received from 1 January 2014**

The new legislation ensures that the names of those who made donations and/or provided loans before 1 January 2014 will remain confidential and will never be made public. However, it also gives the Secretary of State the power, through secondary legislation, to require the Commission, at some point in the future, to **publish information about donations and loans received by a party or regulated donee from 1 January 2014, including information that will identify the donor or lender.** The point at which this power will be used is for the Secretary of State and for the UK Parliament to decide and will be subject to an assessment of the security situation prevailing at the time.

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As such you should make sure all of those who donate and/or lend amounts of more than £1,500 to you in connection with any of your political activities as a councillor or member of a political party from 1 January 2014, understand that their identities will be made public at some point in the future. This will also apply to donations or loans of more than £7,500 to your party (or £1,500 to your party's accounting units).

We hope that you agree that this is an important change. Since 2009, voters have consistently told us that they want information on how political parties are funded in Northern Ireland. Our most recent survey, conducted in December 2012, found that 62% of respondents were of the opinion that information about how political parties are funded should be made publicly available, while fewer than one in ten (7%) said it should remain confidential.

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However, the Bill includes a power to allow the Secretary of State to make secondary legislation to allow the Commission to publish some information about donations and loans reported to us during this time. It could, for example, include information about the value of reported donations, the nationality of donors or whether the donor was an individual or a company. However it will not permit details to be published that would identify a particular donor or lender. The precise details of the information that can be published under this power will be set out in secondary legislation expected in 2014.

The Electoral Commission

We will let you know both when the Bill becomes law and when any secondary legislation is tabled that gives effect to the changes outlined above. In the meantime if you have any questions about the changes to the rules or would like to meet and discuss these issues then please contact me or [redacted] on [redacted].

Yours sincerely

[redacted]

Séamus Magee
Head of Office Northern Ireland
[redacted]@electoralcommission.org.uk
[redacted]

The Electoral Commission