From: FOI
To: [redacted]
Subject: FOI 119/18 - Response
Date: 29 March 2019 09:41:24

Dear [redacted],

Our Ref: FOI 119/18

Thank you for your email to the Electoral Commission dated **19 July 2018.**

The Commission aims to respond to requests for information promptly and regrets that it has not done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

6. All emails sent or received by the Electoral Commission in 2016 which contain the name "Arron Banks".

If any of these emails cannot be disclosed under the FOI, please state the relevant exemption which applies for each question.

If no emails exist relating to a specific question, please state this also.

Our response is as follows:

We hold the information you have requested.

We part responded to your request, reference number FOI 119/18 on the 1 October 2018.

We aim to respond to requests for information promptly and regret that on this occasion we have not been able to do so. During the time your request was received a number of large and complex requests for information caused us to respond to your request outside the statutory deadline of 20 working days, which we regret and apologise for.

I can confirm that we have identified correspondence you have requested.

The documents have been released to you via 'Objective Connect'. To access these documents please follow the steps below.

You will receive an 'Invitation to Objective Connect Email Notification' (sent to the inbox of [redacted]). This notification will contain a link to enable you to start accessing your information. Please find below details on how to access the specific area we have set up for your documents.

1. Click on the link in the email.

2. You will be prompted to set up your username and password. Your username will be your email address, and your password can be whatever you like.

3. With your username and password, enter both details at the login screen and click ‘login’.

4. You will now see your personal page, which will show the Share ‘FOI 119/18’.

5. By clicking on the name of the share, you will find your documents.

6. You may view any of these documents by selecting the title of the file.

7. In addition you may download a copy to your personal computer by selecting the ‘download’ option and then ‘save as’.

This service will be closed 1 month from our response date, this is the 29 April 2019.

The Commission has applied the following exemptions to your request:

Exemptions under Section 40(2) & (3) of FOIA 2000

You will notice that certain personal details have been redacted from 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 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. Some information which is not within the scope of your request has also been redacted.

Exemptions under Section 31(1) & (2) of the FOIA 2000

The Commission has a statutory function to conduct investigations into potential breaches of the reporting requirements in Political Parties, Elections and Referendums Act 2000 (“PPERA”). Where there is no evidence of criminal activity, or in any other circumstances, the Commission may consider civil breaches under PPERA.

In so far as an investigation relates to other potential breaches of PPERA, section 31 (1)(g) of the FOI Act 2000 exempts from disclosure information that would or would be likely to prejudice the exercise of the Commission’s function or any other public authorities function under PPERA.

Some information relating to your request is exempt under section 31(1) & (2), since its disclosure under the act would likely, if disclosed, undermine or prejudice work currently being carried out by law enforcement agencies. The Commission has referred a matter to the National Crime Agency (see here). The Commission is of the view that to release this information should prejudice this matter.

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 and DPA)

The Electoral Commission
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