From: FOI
To: [redacted]
Subject: FOI 129/18 - Horwich First application details - Response
Date: 29 August 2018 12:44:56

Dear [redacted],

Our Ref: FOI 129/18

Thank you for your email to the Electoral Commission dated **04 August 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.

1 - Who submitted the application for "Horwich First" Party which was rejected, including the names of the officers, namely the Leader, Treasurer and Monitoring Officer, and any other listed individuals.

2 - Who submitted the application for "Horwich and Blackrod Independent Residents" Party, including the names of the officers, namely the Leader, Treasurer and Monitoring Officer, and any other listed individuals.

3 - Are the applications for a "Horwich First" Party and "Horwich and Blackrod Independent Residents" Party from the same people, or different people?

4 - I would like a copy of both "Horwich First" Party and "Horwich and Blackrod Independent Residents" Party consitution, and dates of when the applications were made to the Electoral Commission.

I find it inconsistent and illogical to refuse any of the above information, when if an application is successful, you would then be duty bound to release the names of the individuals.

Our response is as follows:

We hold some of the information you have requested.

Questions 1, 2, 3

An application to register a political party must specify the name and home address of a person to be registered as the party's leader, a person to be registered as the party's nominating officer and a person to be registered as the party's treasurer. A party may also apply to be registered with a campaigns officer. In such a case the party is required to also provide the name and address of that person. If the same person is proposed to be registered as the party's leader, treasurer, and nominating officer then the application must also give the name and home address of the holder of some other specified office in the party. Minor parties are not required to register a person as treasurer, but must still be registered with a leader and nominating officer as well as an additional officer if the same person holds both posts. This is outlined in s4 of Part I of Schedule 4 of the Political Parties, Elections and Referendums Act 2000 (PPERA).

Should the Commission approve an application to register a political party then the party's entry shall be included on the public register of political parties either in Great Britain or Northern Ireland. As outlined in s28(8)(a) of PPERA, the entry shall include the names of all registered officers for that party. The entry does not include their respective home addresses.

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.

If an application is not approved (i.e. if it is awaiting a decision or has been refused) then information relating to the names of proposed party officers is not publicly available and so is normally considered to be personal data protected under the Data Protection Act 2018. The Commission therefore does not consider that it would be appropriate to disclose the names of the named proposed officers for these parties. As we are not able to disclose the personal details of the applicants for **Horwich First** or **Horwich and Blackrod Independent Residents**, we cannot confirm whether the same people or different people submitted these applications.

For these reasons, the information you have asked for in questions 1-3 is exempt from disclosure under section 40 of the FOIA.

Please note that our decision on the application will be published on our website. Should the party be registered then, as mentioned previously, the party officers' names will be published on the public register of political parties.

Question 4

We confirm that we hold the proposed constitution of **Horwich First** which we have already released this as part of a previous request.

However, we do not hold a constitution for **Horwich and Blackrod Independent Residents**. This party has applied to be registered as a minor party. According to s34(2)(b) of PPERA, minor parties, unlike political parties, do not have to comply with s26 of PPERA. This means that this party is not obliged to provide a copy of

its constitution as part of its application. This party has not provided a copy of its constitution and so we do not hold a copy.

The application to register **Horwich First** was received on 27 April 2018. The application to register **Horwich and Blackrod Independent Residents** was received on 26 July 2018.

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 our website.

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)

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