From: FOI
To: [redacted]
Subject: FOI 148/18 - CRC and Richard Cook Correspondence
Date: 23 October 2018 11:45:01

Dear [redacted],

Our Ref: FOI 148/18

Thank you for your email to the Electoral Commission dated **16 September 2018.**

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

Your request is in bold below followed by our response.

From 01 January 2018 to 16th September 2018, I would like to request all internal correspondence and communications held by the Electoral Commission that mentions or refers to the Constitutional Research Council or Richard Cook.

From 01 January 2018 to 16th September 2018, I would like to request all external correspondence and communications held by the Electoral Commission that mentions or refers to the Constitutional Research Council or Richard Cook.

From 01 January 2018 to 16th September 2018, I would like to request all external correspondence and communications between the Electoral Commission and Richard Cook, his representatives or any other member of the Constitutional Research Council.

From 01 January 2018 to 16th September 2018, I would like to request details of any and all meetings between the Electoral Commission and Richard Cook or other members of the Constitutional Research Council.

Our response is as follows:

We are unable to confirm or deny as to whether or not we hold any information in relation to your request. The Commission is prohibited by legislation from releasing information in relation to donations that may or may not have been given to a registered Northern Ireland party. 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 donation reports from Northern Ireland parties received prior to 1 July 2017 or information relating to our function in this area. We consider this information exempt under section 44(1)(a) of the Freedom of Information Act 2000.

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.

The Commission has received similar requests in the past, to which is has made the same response. In one case the request related to correspondence between the Commission and the CRC during the calendar year 2017, therefore covering the same period as this request. The Commission notes that your request also includes internal correspondence rather than only correspondence with CRC, but the restrictions under section 71E apply in exactly the same way to internal correspondence.

An earlier, again similar, request was subject to an appeal to the Information Commissioner Office. You can see the ICO's decision on their website here: https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2172946/fs50703027.pdf

As you will see, the ICO upheld the Commission's response, which was to apply the Section 44 exemption.

In case it is helpful to you, our response to another request, with a different scope but covering some similar areas as your request, has recently been published, and you can read it here:

http://www.electoralcommission.org.uk/__data/assets/pdf_file/0004/247855/130_18_Resonse_redacted.pdf

We have also published on our website a letter we sent to BBC Northern Ireland following their Spotlight programme entitled "Brexit, Dark Money and the DUP".

https://www.electoralcommission.org.uk/__data/assets/pdf_file/0007/245392/2018-07-30-Letter-to-BBC-

NI-.pdf

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)

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