From: FOI
Sent: 05 March 2021 17:17
To: [redacted]
Subject: FOI-010-21 Response

Categories: Transferred to Skynet

Dear [redacted]

Our Ref: FOI 010-21

Thank you for your request under the Freedom of Information Act received 05/02/2021.

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 shown below followed by our response.

Please address the following matters. The sooner you reply, the sooner we can provide a firm response:-
1 please specify the exact legal basis on which:-
a the Commission decided, with no change in underlying law, to require European People's Party to be spelled out in full in our party's name; and
b the Commission similarly decided to require descriptions to refer to a party's name;
2 please specify what if any abbreviation of our party's name to three words in descriptions would be acceptable to the Commission: we suggest Alliance EPP UK; and
3 please specify the names and positions of all officers/directors of the Commission involved in:-
a determining the policy behind sending us your emails yesterday; and
b the future consideration of our representations as described in your emails.

[redacted]

[redacted]

5 Further, please consider this letter as a Freedom of Information request in relation to: a all matters relevant to quesIons 1 to 3 above;
b all information regarding the Commission's treatment of acronyms in the period between the 2014 European Parliament Election and the 2015 General Election both as regards our party and those parles whose exisIng registered acronyms remained accepted without needing to insert the full name represented by the acronym;
c all information relating to design of the layout (not the choice of words) for the ballot paper in the 2016 referendum, in particular disclosing the original source of the design and the Commission's chain of approval of the layout; and
d all information demonstrating lawfulness of the Commission's prohibition on registered persons sharing their PEFonline registralon details with their authorised agents.

Our response is as follows:

You have indicated that parts 1-3 and 5 of the request constitute requests for information under the FOIA. We have responded accordingly, and also include responses to your other questions.

In a number of cases we have already provided the information requested either to you, your party, or in published responses to other requests under the Freedom of Information Act. Information is exempt under section 21 of the FOIA if it is already accessible to you, and we consider that in each of the circumstances noted, that is the case. We have indicated where you can find that information in each case.

Our response is as follows:

1.a	We have corresponded with you on this topic in the past as set out below, and have indicated clearly that we would not re-address those matters. We therefore consider that this information has already been provided to you. Information is exempt under section 21 of the FOIA if it is already accessible to you. If there is new, substantial information you are seeking that has not previously provided, please specify this. In our correspondence to your party of 27 October 2014 we confirmed that it was our view that the abbreviation EPP was likely to mislead a voter. In our correspondence to your party of 22 December 2014 we stated that this was related to the statutory tests set out in PPERA 28 (4) (a) to (f). In our correspondence to your party of 19 November 2018, we set out the Commissions duty to maintain the registers of political parties set out in section 23 of the Political Parties, Elections and Referendums Act 2000 (PPERA).

1.b	As set out in our correspondence to you of 19 November 2018, the Commission carried out this review in line with our duty to maintain the registers of political parties set out in section 23 of the Political Parties, Elections and Referendums Act 2000 (PPERA). We are the statutory registrar of political parties with responsibility for discharging the requirements under the Political Parties, Elections and Referendums Act 2000 (PPERA). In line with that duty, we have clarified the definition of a party description in the 2000 (PPERA). Further to this, we apply the legislation as set out in PPERA. Parliament made us the statutory registration authority and gave us wide discretion in the discharge of that duty. As the statutory Registrar of political parties with responsibility for discharging the requirements under PPERA, it is appropriate for us to clarify the definition of a party description under PPERA. It is not the case that we are applying a new law, rather we have clarified the interpretation of a term used in the existing law.
2	The FOIA does not require public bodies to form opinions, or to create new information, and so we are not able to respond to this part of the request under the FOIA as we do not hold the information you have requested. For your information however, as outlined in our guidance, if an acronym or abbreviation is not well-known or widely-used in everyday language, it will not normally be permitted for your party identity mark. Examples of well-known acronyms used in common language include 'UK', 'EU' and 'NHS'. We will consider certain well-known and widely-used acronyms such as those set out above as one word. If in the Commission's opinion an acronym is not well-known and widely-used, the words it is intended to represent must be spelled out and written in lower case. The acronym can then be added next to this, and each word, including the acronym will count towards the overall six-word limit. As you are aware, we have previously determined that EPP is not a well-known and widely-used abbreviation and would need to be spelt out within the name or description. It is the responsibility of the party to ensure that any application it makes is compliant with the statutory requirements.
3.a	The Commission's position that a party's identity must be clear in a party description in order for that description to be registered was approved at a Commission Board meeting of 19 October 2016. The details of that meeting, including the names of attendees, can be found on our website.
3.b	Representations made by parties in relation to the description review are assessed by a member of the Registration Team with a final decision on that assessment being taken by the Director of Regulation, and the Head of the Commission in Scotland for Scottish parties.
[redacted]	[redacted]

[redacted]	[redacted]
5.b	Information is exempt under section 21 of the FOIA if it is already accessible to you. Our position in relation to acronyms and abbreviations was set out to you in our correspondence of 27 October 2014. If there is new, substantial information you are seeking that has not previously provided, please specify this.
5.c	Information is exempt under section 21 of the FOIA if it is already accessible to the requester. We have previously released this information in response to a Freedom of Information request. This was released in FOIs in 2016 and 2017. Our response to this request can be found here – FOI 59/16. In our response to a similar request in 2017, we stated that the information has previously been released. Our response to this request can be found here – FOI 75/17. If there is new, substantial information you are seeking that has not previously provided, please specify this.
5.d	For your information, as outlined in our correspondence with you of 27 October 2020, PPERA schedule 4, paragraph 9 states that: *(1)Subject to sub-paragraph (3), an application [to change the registered details of a party] must be signed by the responsible officers of the party.* *(2)For the purposes of this paragraph "the responsible officers" are—* *(a)the registered leader;* *(b)the registered nominating officer;* *(c)the registered treasurer;* *(d)where the leader, the nominating officer and the treasurer are the same person, any other registered officer.* *(3)If any responsible officer is unable to sign an application—* *(a)the holder of some other office in the party may sign in his place, and* *(b)the application must include a statement of the reason why the responsible officer is unable to sign and a declaration that the holder of the other office is authorised to sign in his place.* PPERA sets a clear requirement that individual officers must sign applications in their respective capacities. There is no provision for this responsibility to be delegated. If an officer uses the login details of another officer to authorise an application to the Commission, the above requirements are not met. This similarly applies to other

	applications types. If we are not satisfied that an officer has properly authorised an application then we may not accept it.

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:
www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-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,

Information Team
The Electoral Commission
electoralcommission.org.uk