[redacted]

From: FOI
Sent: 17 March 2021 09:46
To: [redacted]
Subject: FOI 018-21 - Response

Dear [redacted],

Our Ref: FOI-018-21

Thank you for your email to the Electoral Commission dated 24 February 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.

1.What action will be taken against those in this organisation who pursued the unsuccessful court proceedings against Darren Grimes, which has resulted in his successful appeal against his £20,000 Fine?
2. Please provide details of the amount of costs incurred by the commission both internally and, if outside solicitors and counsel were instructed, what bills have been rendered?
3. Is it intended to hold an inquiry into this matter. Will it be public or private?
4. If there is no intention to hold an inquiry, bearing in mind that this result will affect the commissions reputation, why not?

Our response is as follows:

In relation to your questions 1, 3 and 4, these ask for explanation and opinion rather than information held by the Commission. The Freedom of Information Act 2000 applies to recorded information held by a public authority, and does not require a public authority to create new information in order to answer a question. As such, the Commission does not hold information of this description.

Nevertheless, the Commission welcomes scrutiny of its activities, be that by parliamentary committees or the courts. You may, for example, be interested to know that the Committee on Standards in Public Life is currently conducting an inquiry into the regulation of political finance, and the Public Administration and Constitutional Affairs Committee in Parliament is conducting an inquiry into the work of the Commission. In relation to scrutiny by the court, we have a proven track record of effective regulation. In the last five years we have conducted over 500 investigations, and only one finding has been overturned. In that instance the court informed us that we used an incorrect interpretation of the law in relation to the campaigner status of Mr Grimes. We have listened to the court and changed our processes as a result.

In relation to point 2 of your request, the Commission holds information about the costs incurred on outside solicitors and counsel in relation to the appeal brought by Darren Grimes. Given the interest in this matter, the Commission has published a statement on its website, which we would therefore refer you to here: www.electoralcommission.org.uk/vote-leave-fined-and-referred-police-breaking-electoral-law.

In view of the fact that this information is accessible to you on our website, we are applying the exemption under section 21 of the Freedom of Information Act 2000, which applies to information which is reasonably accessible to the person making the request by other means.

We do not hold the information requested on internal costs.

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

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The Electoral Commission
electoralcommission.org.uk