

[REDACTED]

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**From:** FOI  
**Sent:** 07 July 2021 11:47  
**To:** [REDACTED]  
**Subject:** FOI 102-21 - Response

Dear [REDACTED],

**Our Ref: FOI-102-21**

Thank you for your email to the Electoral Commission dated 28 June 2021 and received by the Commission on 29 June.

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.

*Bearing in mind recent apology to Darren Grimes, which followed on from ineffective court cases instigated against him, please provide the following information:*

- 1. How many court cases were instigated against Mr Grimes and how many of those cases did the Commission win and how many did it lose?*
- 2. (a) please provide details of how much was paid to outside solicitors and barristers (b) quantify in terms of the time spent by members of the commissions staff (admin and its in house legal team) and (c) provide the sums paid to Mr Grimes in terms of damages/compensation and his legal fees. I ASK FOR THIS INFORMATION AS A TAXPAYER*
- 3. Has any formal internal investigation been carried out in order to establish who made the decisions which led to the failed prosecutions?*
- 4. Will any member of staff be disciplined should it be found that the decisions to prosecute Mr Grimes, were based upon bias in favour of the "Remain" view of the decision to leave the EU?*

**Our response is as follows:**

We hold some of the information you have requested.

We have responded to each of your questions in turn.

- 1. How many court cases were instigated against Mr Grimes and how many of those cases did the Commission win and how many did it lose?*

The Commission has not instigated any court cases against Mr Grimes. Following an investigation conducted under the Political Parties, Elections and Referendums Act 2000 (PPERA) and in line with the Commission's published Enforcement Policy, the Commission imposed a civil penalty on Mr Grimes. Mr Grimes appealed that decision to the county court, which upheld his appeal. That is the only court hearing that has taken place involving the Commission and Mr Grimes.

2. (a) please provide details of how much was paid to outside solicitors and barristers (b) quantify in terms of the time spent by members of the commissions staff (admin and its in house legal team) and (c) provide the sums paid to Mr Grimes in terms of damages/compensation and his legal fees. I ASK FOR THIS INFORMATION AS A TAXPAYER

We do not hold information on the second part of this question. We do not hold a schedule of the Commission's own legal costs, and do not anticipate that one will be produced. For clarity, we are not required to create information for the purposes of requests under Freedom of Information law.

Regarding the first and last parts of this question, the Commission holds information about the costs incurred in relation to the appeal brought by Darren Grimes. Given the interest in this matter, the Commission has published a statement on its website, and we would therefore refer you to, [www.electoralcommission.org.uk/vote-leave-fined-and-referred-police-breaking-electoral-law](http://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 by other means, to the person making the request.

3. Has any formal internal investigation been carried out in order to establish who made the decisions which led to the failed prosecutions?

The Commission has not brought a prosecution. As stated above, the decision to impose the penalty was taken in line with the Commission's powers under PPERA and our Enforcement Policy.

4. Will any member of staff be disciplined should it be found that the decisions to prosecute Mr Grimes, were based upon bias in favour of the "Remain" view of the decision to leave the EU?

We do not consider this to be a request for information as it seeks a response to a hypothetical situation that did not occur. As stated above, the Commission made no decision to prosecute Mr Grimes.

I can however reassure you that the Commission has significant procedures in place to ensure that its enforcement decisions are taken on the basis of evidence. No evidence has been put forward that shows that the imposition of a penalty on Mr Grimes was based on bias.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

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

Information Officer

[FOI@electoralcommission.org.uk](mailto:FOI@electoralcommission.org.uk)

**The Electoral Commission**  
[electoralcommission.org.uk](http://electoralcommission.org.uk)