**From:** FOI
**To:** [redacted]
**Subject:** FOI 162/18 - Staff Conduct - Response
**Date:** 30 October 2018 10:55:25

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Dear [redacted],

**Our Ref: FOI 162/18**

Thank you for your email to the Electoral Commission dated **18 October 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. **Please provide a breakdown showing the number of staff disciplined in the calendar years 2015, 2016, 2017 and to date in 2018;**

   2015: one
   2016: none
   2017: two
   2018: none to date

2. **Please provide a breakdown showing the nature of the disciplinary action and the reason. For example: First written warning - IT misuse; dismissal - sexual misconduct.**

   We consider data relating to staff conduct and disciplinaries as sensitive. We have a duty of care to appropriately preserve confidentiality and protect personal data. Providing the data requested may breach one of more of the data protection principles outlined within the Data Protection Act 2018 (DPA) therefore we have applied Section 40 (2) to protect personal data.

   For the above reasons we feel it is only appropriate to share total numbers per year, plus the level of sanction (see below).

   2015: written warning
   2016: none
   2017: two written warnings – one first warning, the other a final warning
   2018: none to date

**Section 40**

Section 40(2) provides exemption where the information requested constitutes personal data as defined by the Data Protection Act 1998 (DPA), and where release of the information requests would breach one of the data protection principles. The information contained in the requested information falls within the description of personal data as defined by section 1 of the Data Protection Act 2018 (DPA) because the information relates directly to an identifiable living individual. This includes the names of individuals who faced disciplinary action.

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]

[redacted]
Access to Information Officer (FOI and DPA)

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