From:	FOI
To:	[redacted]
Subject:	FOI 167/18 - Request for advice inspection and nomination papers - response
Date:	07 December 2018 11:32:46
Attachments:	FOI 167-18 - Request for advice inspection and nomination papers_redacte....pdf

Dear [redacted]

Our Ref: FOI 167/18

Thank you for your email to the Electoral Commission dated **02 November 2018.**

The Commission aims to respond to requests for information promptly and regrets that we have not done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

1. **Please could you provide me with copies of the advice that you gave both Wirral Metropolitan Borough Council and Liverpool City Council about the inspection and copying of nomination papers and candidates' consent to nomination for local government elections in England (election of a councillor/s) between the following time periods:**

   1st March 2017 - 2nd November 2018

2. **Please could you also specify how the advice was given (email, letter, phone etc) for both Wirral Metropolitan Borough Council and Liverpool City Council and to whom it was given.**

Our response is as follows:

We hold some of the information you have requested.

We received two enquiries from Liverpool City Council via email that are relevant to your request. The information relating to these enquiries is maintained in our Case Management System and I enclose the relevant extracts from this system with this letter/email.

The advice was given to the Electoral Services Manager at Liverpool City Council.

We did not receive any enquiries from Wirral Metropolitan Borough Council that are relevant to your request.

Use of Section 40(2).

You will notice that some details from the document we sent to you are redacted. Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requested 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.

We have also redacted the names of the Electoral Commission staff mentioned within this document. This is in line with our policy and procedure.

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: 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)

The Electoral Commission
FOI@electoralcommission.org.uk
electoralcommission.org.uk

Extract from EC Case Management System

[redacted]

Liverpool city council

02/05/2017

Email from Electoral Services Manager, [redacted], Liverpool

Inspection of CAM nominations

Can I just clarify something. I have had a request to send copies of the nomination papers for candidates at the Mayoral election., however upon checking the EC guidance (as attached) it states that:-

Combined authority mayoral election

Nomination papers at a combined authority mayoral election can only be inspected by certain people and only until the deadline for making objections to the nomination papers as set out in Chapter 3 of our guidance for Combined Authority Returning Officers: Delivery of key processes.

Nomination papers cannot be inspected by anybody else at any time. Nomination papers may only be viewed and supplied to those who have a legal power to obtain documents. This may be a police officer using any powers they may have to take documents into their custody, or a court order.

I take it therefore that they cannot be provide with or have access to these nomination papers? I will provide them with a copy of the Statement of Persons nominated but the EC's CARO guidance doesn't really make it clear that they aren't available for inspection, so I just wanted to confirm that they cannot view or be provided with copies of nomination papers at our CA Mayoral election.

The deadline normally for viewing the register is by close of play tomorrow, so I would be grateful if you could please get back to me asap on this.

Response from the Electoral Commission via Email

02/05/2017

Hi [redacted],

No-one can inspect now as it's beyond the deadline so you can't supply them.

Best wishes

[redacted]

Extract from EC Case Management System

[redacted]

Liverpool City Council

23/04/2018

Email from Electoral Services Manager, [redacted], Liverpool

Fee for copies of nomination papers

Hello

I have recently had a request in from an elector from outside of the authority for copies of all of the nomination papers, candidates consent forms and all of the accompanying pages of legislation. I am fine with providing this information, however in previous years I had charged a nominal fee of 10p per page for each copy taken, but checking the EC's guidance on this it doesn't specify as to whether we can or cannot charge for copies of this information and I therefore just wanted to check that I am ok in going back to the individual and advising him that we can do this but at a charge of 10p per page copied?

Thanks for your assistance with this and I look forward to hearing from you in the near future.

Regards

[redacted]

Response from the Electoral Commission via Email

23/04/2018

Hi [redacted]

Yes you can charge for copies of nomination papers and 10p per sheet is reasonable.

Kind regards,

[redacted]