The Electoral Commission

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Sent via email: [redacted]

28/09/2021

Dear [redacted]

Internal review of FOI request FOI 108-21

Thank you for your email to FOI@electoralcommssion.org.uk of 10 September 2021, seeking an internal review of your request for information, reference number **FOI 108-21**

In seeking an internal review you made the following comments:

My request was refused on the ground that it exempted under Section 21. The response stated that this was on the basis that information showing the donations I was enquiring about was available on the Electoral Commission's online register of donations. However, it is clear from my request that I was not enquiring as to whether the donor had made donations, who these donations were to, what date these donations were made, or how much these donations were for. This is the only information provided on the online register.

My request was very clearly for access to any correspondence relating to these donations, internally in the commission, with the Conservative Party, or with the donor; whether any investigation had been carried out relating to the donor; and whether any other outside authorities had been contacted in relation to the donor.

Your response states that you hold this information. This information is not readily available on your online register, or readily available anywhere else, so I cannot see how it can be exempt under Section 21.

I note that the response to my request was also one week late, and at no point did I receive any correspondence from the Electoral Commission until I made an enquiry after a response was due.

Outcome of your internal review:

From the FOI request you made, we understood you to be seeking information concerning donations that Lubov Chernukhin has made to the Conservative and Unionist Party since 1 September 2020. We responded to the FOI in good faith based on this interpretation of the request.

The only information that we hold that falls within scope, based on the interpretation outline above, is the documentation from the party reporting donations from Lubov Chernukhin since 1 September 2020. That information is available on our website already, and a link was therefore provided.

The Commission aims to respond to requests for information promptly, and regrets that in this case it did not respond within the statutory timeframe of twenty working days. We carried out searches across our systems to ensure that we did not miss any information relevant to your request, and these searches took longer than we had anticipated. I have checked and I agree you did not receive any proactive notification from us that the FOI response would be delayed. I offer you an apology on behalf of the Commission for that.

Since your FOI request you have provided further information to our press team. We now understand that the information you were seeking through your FOI relates to correspondence or documentation dated since 1 September 2020 regarding donations that Lubov Chernukhin has made to the Conservative and Unionist Party at any time (rather than correspondence about donations made since 1 September 2020). Specifically, whether the Commission has made inquiries since 1 September 2020 regarding the source of the donations. I understand that the press team have now informed you that we have not made inquiries as to whether any of the relevant donations were in fact from the named donor, and provided you with further information on this We trust that the answer to this press query provides the information you were seeking.

However, if you would like to make a fresh request for information under the Freedom of Information Act, it is open to you to do so.

I have completed this review because I am a member of the Electoral Commission's management team and I was not previously involved in the original response to your request.

If you remain dissatisfied with our response, you can appeal to the Information Commissioner at: The ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. For further details about the appeal procedure please visit www.ico.org.uk.

Yours sincerely

Jennifer Hartland
Head of Human Resources
The Electoral Commission