From: FOI
To: [redacted]
Subject: FOI 002-19 Communications with the Constitutional Research Council Response
Date: 30 January 2019 17:30:29

Dear [redacted]

Our Ref: FOI 002-19

Thank you for your email to the Electoral Commission dated **04 January 2019.**

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. **I now request, under the Freedom of Information regulations, that you release any emails or other written communications between the Electoral Commission and Richard Cook (or any other representative of the CRC) in relation to your investigation of the donation specified above.**

Our response is as follows:

We are unable to confirm or deny as to whether or not we hold any information in relation to your request. The Commission is prohibited by legislation from releasing information in relation to donations that may or may not have been given to a registered Northern Ireland party. Section 71E of the Political Parties, Elections and Referendums Act 2000 (PPERA) places a duty of confidentiality on the Commission in relation to information that relates to donations from Northern Ireland recipients or information relating to our function in this area. We consider this information exempt under section 44(1)(a) of the Freedom of Information Act 2000. Section 44 exempts from disclosure any information if its disclosure is prohibited by any enactment. As stated, the information requested is specifically prohibited from being released by section 71E of PPERA.

The Commission has previously had a similar request which the requestor escalated to the Information Commissioner Office. You can see the ICO's decision on their website here: https://ico.org.uk/media/action-weve-taken/decisionnotices/2017/2172946/fs50703027.pdf. As you will see, the ICO upheld the Commission's response, which was to apply the Section 44 exemption.

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]
Information, Knowledge and Systems Manager
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The Electoral Commission
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