From:	FOI
To:	[redacted]
Subject:	RE: FOI 009-19 Referendum campaigning by foreign leaders -Response
Date:	08 February 2019 13:55:56

Dear [redacted],

Our Ref: FOI 009-19

Thank you for your email to the Electoral Commission dated **18 January 2019.**

We note that you sent your questions to us intending them to be requests under the Freedom of Information Act 2000 (FOI Act). As explained below in our response, some of your questions are requests for explanation rather than requests for information under the FOI Act. Instead of responding to these questions strictly as requests under the FOI Act, we have included explanation in order to try and be as helpful as possible.

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. Was the Electoral Commission aware of the referendum period campaigning in the UK conducted by foreign leader Enda Kenny, ie did the Electoral Commission undertake deliberations or assessment of this event?

2. Was the Referendum-period campaigning conducted in London by foreign leader Enda Kenny declared by the European Movement during the referendum? The event was hosted on 29 May 2016 by Irish4Europe, a group set up and funded by the European Movement UK, a registered referendum campaign.

3. What is the Electoral Commission's advice on allowing foreign powers to influence the British democratic process?

Our response is as follows:

With regard to your first question, this does not amount to a request for information under the FOI Act, but rather is a request for explanation.

Please note that in future, unless your request is a proper request under the FOI Act or a request for advice about how to comply with the campaign finance regime, we may not respond. You can find guidance about making a request under the FOI Act on the Information Commissioner's Office website.

Should you have further questions about the application of the campaign finance rules which fall outside the scope of the FOI Act please direct these to the Commission's Political Finance and Regulation mailbox at pef@electoralcommission.org.uk.

In any event, it is not clear in your first question what 'referendum period campaigning' you are referring to, so it is not possible for us to respond to your

request for explanation.

In answer to your second question, the donations received and expenditure incurred within the regulated period reported to the Electoral Commission by European Movement of the UK Ltd are exempt under section 21 of the FOI Act. This is because the details can be found by searching our registers of expenditure and donations.

If you have evidence that the law has not been complied with, please see the information available on our website about making an allegation. You can also view the details of investigations that we have concluded.

Lastly, your third question is also not a request for information under the FOI Act, but rather is a request for explanation. I refer you to our comments above in that respect.

In order to answer your question and to promote transparency, we have below given you some information about our role, and links to relevant guidance.

We are the regulator of political funding and spending. In relation to the EU Referendum, we were responsible for the regulation of campaigners in accordance with the Political Parties, Elections and Referendums Act 2000 (PPERA) as amended by the European Union Referendum Act 2015 (the EU Referendum Act). That legislation sets out the law about registration of campaigners, and campaign funding and spending at the EU Referendum. You can find guidance on our website that explains those rules.

Our guidance in relation to who could register and campaign at the referendum on the UK's membership of the EU can be found on our website.

You might also find it helpful to read the section on regulation and enforcement at page 19 of our Report on the regulation of campaigners at the referendum on the UK's membership of the European Union held on 23 June 2016.

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)

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