From:	FOI
To:	[redacted]
Subject:	FOI 069-22 - Response
Date:	04 October 2022 09:59:36
Attachments:	FOI 069-22 - Email Chain (Redacted).pdf

Dear [redacted],

Our Ref: FOI-069-22

Thank you for your email to the Electoral Commission dated 29 August 2022 and received on 30 August 2022.

The Commission aims to respond to requests for information promptly and regrets that it has not done so within the statutory timeframe of twenty working days on this occasion.

Your request is shown below followed by our response.

Please can you disclose, preferably by PDF, any information recording, relating to or recorded from discussions that the Commission had with Ofcom and/or broadcasters relating to the best way to achieve ensuring that broadcast coverage of the Scottish independence referendum was impartial.

Our response is as follows:

The impartiality of broadcast coverage does not fall within the remit of the Electoral Commission. This is an area regulated by Ofcom. As such, we have been able to locate only one relevant document. You may wish to approach Ofcom with your request.

We have located an email exchange between Commission staff and the BBC which includes reference to coverage of the Scottish independence referendum. Please see the attached.

You will notice that some of the information has been redacted. This is in accordance with Section 40(2) of the Freedom of Information Act which 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. Some of the information contained in the document falls within the description of personal data as defined by the DPA because the information relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances. The individuals in some cases are junior staff members and they would not reasonably expect their information to be released.

We also wanted to direct you some publicly available resources which may be of interest.

Minutes of the Broadcasters Liaison Group – December 2013:

- The Broadcasters' Liaison Group (BLG) comprises the broadcasters who make airtime available to registered political parties to help them set out their

policies to the electorate and to designated organisations in referendum campaigns. The BLG meets from time to time to co-ordinate the way each broadcaster determines the amount of airtime to be made available. The Electoral Commission and Ofcom attend these meetings. In the meeting which took place on 9 December 2013, the Scottish Independence Referendum and the impartiality of political broadcasts was discussed (see page 3).

- The minutes are linked above, from the Broadcaster's Liaison Group website. The minutes refer to an intention for the group to write to the Commission. We have been unable to locate this correspondence and due to changes in personnel since 2013, we cannot confirm that the correspondence was received.

Electoral Commission report on the Scottish Independence Referendum (PDF)

- The Commission's report on the referendum, published in March 2015, references the issue of broadcaster impartiality, specifically considerations if it had not been possible to designate lead campaigners for each side of the debate. See page 97.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request. In some circumstances we cannot locate 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.

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

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk

From: Alex Robertson <ARobertson@electoralcommission.org.uk>
Sent: 17 January 2014 08:58
To: [redacted]
Cc: [redacted] Warren Seddon
Subject: RE: Happy New Year!

No problem – send us the links when they've live, and anything you'd want to go with it (e.g. re deadlines), and we can get them out through any updates we're doing and as links on our website Alex

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From: [redacted]@bbc.co.uk]
Sent: 16 January 2014 22:25
To: Alex Robertson
Cc: [redacted] Warren Seddon
Subject: RE: Happy New Year!

Thanks, Alex, that's all very helpful.

A link to the criteria would be great – I suspect the Referendum Broadcast criteria won't be of much direct interest, especially once they're approved.

However, it would be particularly useful to have a link from you to the PEB criteria – both the consultation and then once they're approved...I've had one enquiry from a new party, but the more we can circulate, the less chance there is of missing anyone.

Cheers
[redacted]

From: Alex Robertson [mailto:ARobertson@electoralcommission.org.uk]
Sent: 16 January 2014 16:46
To: [redacted]
Cc: [redacted] Warren Seddon
Subject: RE: Happy New Year!

Thanks... I consider it one of the perks of the job to be involved in discussion of these issues!

That's fine timing wise on the criteria and I'm sure fine to sort a response to. Copying Warren who I think will lead on at our end.

Permitted participants can apply at any time now (the register opened at Royal Assent) and only Yes Scotland have so far (no reason why anyone else would have done yet) – we can keep you posted as others register, so let me know if / when you want an update. (assuming by permitted participants you mean anyone who wants to register as a campaigner, rather than anyone applying to be 'designated organisations' which I suspect will happen much closer to the deadline for applications).

The other thing we can do, if it would help, is include a link to the criteria in our next campaigner update which goes out pretty widely to anyone who has expressed an interest in campaigning. Let me know if so and we'll do (there's no specific date they go on, just when there's enough new to say).

Shout if you need more / different

Alex

From: [redacted]@bbc.co.uk]
Sent: 16 January 2014 16:27
To: Alex Robertson
Cc: [redacted]
Subject: RE: Happy New Year!

Thanks for that Alex...I'll leave that to the lawyers to think about !!!

I think you asked [redacted] about the Electoral Commission response on the criteria.

My plan is to write to [redacted] formally immediately after the Trust meeting (on the 22nd) with details of draft criteria (for both PEBs and RCBs) and draft election guidelines. [redacted] will confirm, but if you could get a response by mid Feb, that would be great.

One other question I have for you – at what stage do you start identifying "permitted participants" – or have you already ? The Trust will want to offer them the chance to take part in the criteria consultation.

Many thanks (oh – and a now rather belated happy new year to you too !)

Cheers
[redacted]