From: FOI
To: [redacted]
Subject: FOI 003-23 - Response
Date: 02 February 2023 08:07:42

Dear [redacted],

Our Ref: FOI-003-23

Thank you for your email to the Electoral Commission dated 17 January 2023 and received by the Commission on 18 January 2023.

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 shown below followed by our response.

To have full details of the registration application for the current application for a Party called "Windsor First" including the proposed officers, contact address etc.

Our response is as follows:

We hold the information you have requested.

Regarding your request for names of prospective officers, we are not disclosing the names of these individuals to you. This is because this information is exempt under section 40(2) of the Freedom of Information Act 2000. Section 40(2) provides for an exemption where the information requested constitutes personal data and releasing the information would breach one of the data protection principles under the GDPR.

An application to register a political party must satisfy certain requirements under the Political Parties, Elections and Referendums Act 2000 (PPERA). One of these requirements, outlined in paragraph 4 of Schedule 4 of PPERA, is that the application includes the names and home address of the proposed officers of the party.

If the application to register the party is granted then, under s28(8) of PPERA, the names of those officers are included on that party's entry on the register. However, until a decision has been taken on the application, there is no provision to release the names of proposed officers of a party.

As the names of these individuals constitute personal information, releasing would be a breach of the GDPR principles, and so we have refused this part of your request, prior to us taking a decision on the application.

With respect to other parts of the party's application including associated documents. We are not disclosing that information requested. Section 31(1)(g) of the FOI Act exempts from disclosure information that would or would be likely to prejudice the exercise of the Commission's functions under PPERA for the purposes of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment, as provided by s31(2)(c) of the FOI Act.

The Commission administers a registration function, as set out by the Political Parties, Elections and Referendums Act 2000. The information you have requested is currently under consideration as to whether the party in question will be registered, or the application rejected.

Public interest test

Application of the section 31 exemption is subject to the public interest test. There are a number of factors that must be weighed in the balance to consider whether the public interest in applying the exemption outweighs the public interest in disclosure.

The factors we have considered are set out below.

The Commission recognises that with regard to the disclosure of information generally, there should be a presumption in favour of disclosure. We also recognise that there is a general public interest in promoting transparency, accountability, public understanding and involvement in the democratic process. Flowing from that general public interest, there is a legitimate public interest in promoting public understanding of the decisions we make as a regulator.

The Commission aims to be robust and fair in its regulatory decisions. These are matters we acknowledge and take into account, including when deciding whether to disclose information, whilst ensuring proper regulation of the regime. For that reason we have made public through our website that an application has been received, and made available the descriptions and emblems that the party seeks to register. We do this so that the public can provide comments and views on those specific parts of the application, because views on whether any of these are likely to cause confusion, one of the statutory tests, are relevant factors which we take into account.

We will also make public our decision on this application, and if it is registered the party's registered details will be published. Although we do not publish constitutions and financial schemes we will, if asked, disclose these documents of a registered party.

We consider that the disclosures we make in relation to applications are appropriate to meet the general public interest noted above. Disclosure of further documents currently under consideration as part of our registration function would in our view be likely to prejudice the exercise of that function. That is because the Commission is required in law to make a decision on applications to register a party based on specific statutory tests, and public debate or speculation may hinder that process. On that basis we consider that on balance, the public interest lies in not disclosing the information you have requested.

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: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-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

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The Electoral Commission
electoralcommission.org.uk