

[REDACTED]

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**From:** FOI  
**Sent:** 26 June 2023 09:08  
**To:** [REDACTED]  
**Subject:** FOI 074-23 - Response

Dear [REDACTED],

**Our Ref: FOI-074-23**

Thank you for your email to the Electoral Commission dated 30 May 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.

*Please provide a copy of the report entitled 'Embedding and advancing equality, diversity and inclusion in the Electoral Commission' (EC 175/23), which was presented at the board's meeting in January.*

**Our response is as follows:**

We hold the information you have requested.

The information that you have requested is exempt under sections 21, 22 and 36 of the Freedom of Information Act 2000.

**Section 21**

Some of the information that you have requested is exempt from disclosure under section 21 of the Freedom of Information Act 2000. Section 21 provides for an exemption where the information requested is reasonably accessible to the applicant by other means. Some of the information that you have requested relates to the Commission's current Equality, Diversity and Inclusion (EDI) Strategy and is accessible to you via: <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/about-us/our-plans-and-priorities/equality-diversity-and-inclusion-strategy#action-plan>.

**Section 22**

Some of the information that you have requested is exempt from disclosure under section 22 of the Freedom of Information Act 2000. Section 22 provides for an exemption where the information requested is intended for future publication.

Section 22 is a qualified exemption which requires the Public Interest Test (PIT) to be considered.

Arguments for disclosure include improving accountability and transparency in the public sector and the public interest in information being accessible which can enhance scrutiny of decision-making processes.

Arguments against disclosure include the detailed information already available on this topic on the Commission's website, including the Commission's current EDI strategy and procedures, and the need to gather data and assess impacts before releasing information into the public domain. Premature disclosure might: be unintentionally misleading because some of the information is incomplete or untested; prejudice proper scrutiny of issues in advance of publication; impair the Commission's ability to obtain relevant information and advice in the future; discourage openness and the exchange of ideas and views in strategy formulation and delivery.

The Commission believes that it has sound reasons for following our published EDI strategy and external reporting plans.

We judge the public interest in withholding the information to outweigh the public interest in disclosing the information.

We understand that there is a legitimate public interest in the information you have requested and the need for transparency in relation to the Commission's work; however, it is not in the public's interest to release partial data or an incomplete analysis or proposals.

There is a clear need for the Commission to follow its published plans to assess, monitor and report on progress against the EDI strategy. As such we determine the exemption remains in favour of withholding the information.

A link to the Commission's EDI strategy including our external reporting plans is included above.

### **Section 36**

Some of the information that you have requested is exempt from disclosure under section 36(2)(b)(i) and (ii) of the Freedom of Information Act 2000.

Section 36(2)(b) provides an exemption where disclosures would or would be likely (in the reasonable opinion of the qualified person) to inhibit:

- (i) the free and frank provision of advice or
- (ii) the free and frank exchange of views for the purposes of deliberation.

Section 36 is a qualified exemption which requires the Public Interest Test (PIT) to be considered.

Arguments for disclosure include improving accountability and transparency in the public sector and the public interest in information being accessible which can enhance scrutiny of decision-making processes.

Arguments against disclosure include the need to assess data; consider proposals; obtain relevant advice; freely and frankly discuss proposals and advice at the appropriate levels of seniority; and agree organisational responses before releasing information into the public domain. Premature disclosure might: be unintentionally misleading because some of the information may be incomplete or untested; prejudice proper scrutiny of issues in advance of decisions being taken; discourage

openness and the exchange of ideas and views in strategy formulation and delivery; impair the Commission's ability to obtain relevant information and independent advice in the future.

We judge the public interest in withholding the information to outweigh the public interest in disclosing the information.

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

Information Officer

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**The Electoral Commission**

[electoralcommission.org.uk](http://electoralcommission.org.uk)