[redacted]

From: FOI
Sent: 21 July 2023 11:54
To: [redacted]
Subject: FOI 090-23 - Response
Attachments: Pullinger J-to-Baroness Scott - SPS letter 03-05-23_Redacted.pdf

Dear [redacted],

Our Ref: FOI 090-23

Thank you for your email to the Electoral Commission dated 03 July 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.

You have asked for the following information:
Please provide copies all written correspondence between the chair of the Electoral Commission and any government ministers and secretaries of state.
Please provide all such correspondence that was sent or received between 01 December 2022 and 30 June 2023.

Our response is as follows:

We hold the information you have requested.

Section 21 of the Freedom of Information Act exempts from disclosure information which is reasonably accessible to the applicant by other means. In this case the information is reasonably accessible to you, much of the information you have requested is available in previously disclosed correspondence via the following FOI requests:

1. FOI 035-23; correspondence between the Commission Chair and DLUHC between Nov 2022 and 12 April 2023.
2. FOI 059-23; correspondence to and from the Commission and current MPs or staff, identified as using the @parliamnet.uk email address - re: overseas donations.

There is one additional letter sent after the above FOIs were received, which falls within the scope of your FOI request. This letter was sent from the Commission's Chair, John Pullinger, to the Minister of State for Levelling Up, Housing and Communities, Baroness Scott on 5 May 2023. This letter is enclosed.

Section 40(2) of the Freedom of Information Act 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. One redaction has been made this is a personal signature, this falls within this description of personal

data because it relates directly to an identifiable living individual, they would not reasonably expect their information to be released.

The Commission strives to be an open, transparent authority and 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: 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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Baroness Scott of Bybrook
Minister of State for Levelling up, Housing and Communities
2 Marsham Street
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05 May 2023

Dear Jane

Re: Strategy and Policy Statement for the Electoral Commission

Thank you once again for a constructive meeting last week. You will recall that we briefly discussed the proposed Strategy and Policy Statement, and you indicated that you were not aware of the strength of the Commission's objections to it. In light of your imminent considerations on this issue, I am writing to emphasise the strength of those views.

As I said in our meeting, the Commission is opposed to a Strategy and Policy Statement both in principle and in practice. At the level of principle, it is fundamental to maintaining confidence and legitimacy in an electoral system that an electoral commission is independent from governments. It remains our firm view that the introduction of a Strategy and Policy Statement for the Commission is inconsistent with that role and the functioning of a healthy democracy.

In practice, too, we have identified significant concerns about the content of the proposed Statement. Our consultation response set out our views so I need not restate those here, but do note that they were not only echoed but reinforced by responses from the statutory consultees: the Speaker's Committee on the Electoral Commission and the Levelling up, Housing and Communities Select Committee. The Speaker's Committee said that it introduced '*uncertainty, confusion, and new legal risks, which are likely to reduce the Commission's efficiency, economy, and effectiveness, in return for no material benefit to the democratic process*.' Each responses indicated that if the process was to be continued, the proposed Statement was not fit for purpose and should be re-written.

Our opposition to the measure is longstanding. Last February, in advance of the Bill's Second Reading in the House of Lords, Commissioners wrote collectively to Ministers to outline our opposition to the Statement. This was an unprecedented step for the Commission, and the Commissioners, and reflects the significance of the issue.

We understand that you will shortly be considering these and other views ahead of deciding how to progress. While the Act makes provision for a Statement, it is at Ministers' discretion whether to make one, and so I write to urge you not to do so. Rather, to protect the Commission's independence and promote confidence among voters and the sector.

The Commission and the Government, primarily through our relationship with your department, have worked closely together on a number of issues and indeed when we met we both agreed on the importance of this relationship. There remains significant work to be carried out to secure the successful deployment of a range of further measures from the Elections Act. This relationship works well without a designated statement and, I would argue, the value is drawn from our independence.

I would welcome a further discussion with you on this topic, ahead of any further steps being finalised.

Yours sincerely,



John Pullinger
Chair