From: FOI
To: [redacted]
Cc: FOI
Subject: FOI-064-26 - Response
Date: 09 July 2026 14:33:26

Dear [redacted]

Our Ref: FOI-064-26

Thank you for your email to the Electoral Commission dated 13 May 2026.

On 1 June 2026, we wrote to advise you that we needed to extend the time limit for responding to your request to consider the public interest test.

The Commission aims to respond to requests for information promptly and has done so within the extended statutory timeframe. Your request is in bold below, followed by our response.

"Please provide copies of all documents held by the Electoral Commission relating to the registration of the political party Restore Britain, registration number PP18382.
For the avoidance of doubt, this request includes, but is not limited to:

1. **The completed application form submitted for Restore Britain's registration as a political party.**
2. **The party constitution submitted as part of the application, including any rules, standing orders, governance documents, membership rules, disciplinary rules, candidate-selection rules, or other documents treated by the Commission as forming part of the party's constitution for the purposes of PPERA.**
3. **The financial scheme submitted by Restore Britain.**
4. **Any declaration or record of assets and liabilities submitted as part of the application.**
5. **Any correspondence between the Electoral Commission and Restore Britain, its officers, agents, representatives, or advisers concerning the application, constitution, financial scheme, party structure, membership criteria, officers, descriptions, emblems, names, registration status, or compliance with PPERA.**
6. **Any internal Electoral Commission assessment notes, decision records, review documents, recommendations, legal comments, compliance notes, or internal correspondence relating to the assessment and approval of Restore Britain's registration.**
7. **Any documents showing whether the Commission considered Restore Britain's constitution, membership rules, candidate-selection rules, or internal governance arrangements in relation to equalities law, political party registration requirements, or possible discriminatory provisions.**

8. **Any amended, revised, corrected, or resubmitted versions of the above documents.**

Please treat the relevant time period as running from 1 January 2026 to the date of this request. If any relevant documents were received or created before 1 January 2026 but formed part of the registration file or assessment process, please include them as well.
I understand that some personal data may need to be redacted. Where exemptions are relied upon, please identify the exemption used and provide the disclosable parts of each document rather than withholding documents in full where partial disclosure is possible."

Our response is as follows:

We hold some of the information you have requested, but consider it exempt from disclosure.

For ease of reference, the relevant parts of the request are listed below with the relevant exemptions that are being applied.

1. *The completed application form submitted for Restore Britain's registration as a political party.*
2. *The party constitution submitted as part of the application, including any rules, standing orders, governance documents, membership rules, disciplinary rules, candidate-selection rules, or other documents treated by the Commission as forming part of the party's constitution for the purposes of PPERA.*
3. *The financial scheme submitted by Restore Britain.*
4. *Any declaration or record of assets and liabilities submitted as part of the application.*

Exemption - Section 21
Section 21 of the Freedom of Information (FOI) Act 2000 exempts from disclosure information which is reasonably accessible to the requester by other means.

Exemption – Section 40(2)
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.

Some of the information contained in the document falls within this description of personal data because it relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances.

In relation to part 1 of the request, information contained within the party's application form, which includes names of officers, party headquarters addresses, and proposed party identity marks, can all be accessed on the party's public register entry - https://search.electoralcommission.org.uk/English/Registrations/PP18382. As such, we consider this information to be exempt from disclosure under section 21 of the FOI Act.

Some of the information contained in part 1 of the request constitutes personal data in

relation to registered officers of the party. This includes home addresses, phone numbers, and email contact details. As such, we consider this information exempt from disclosure under section 40 of the FOI Act.

In relation to parts 2 and 3 of the request, this information has previously been published as part of our response to FOI 035-26 and can be accessed on our website - https://www.electoralcommission.org.uk/sites/default/files/2026-06/FOI-035-26%20Response_Redacted.pdf. As such, we consider this information to be exempt from disclosure under section 21 of the FOI Act.

In relation to part 4 of the request, this information is published through the party's public register entry - https://search.electoralcommission.org.uk/English/Assetsandliabilities/PP18382. As such, we consider this information to be exempt from disclosure under section 21 of the FOI Act.

5. *Any correspondence between the Electoral Commission and Restore Britain, its officers, agents, representatives, or advisers concerning the application, constitution, financial scheme, party structure, membership criteria, officers, descriptions, emblems, names, registration status, or compliance with PPERA.*

Exemption - section 41(1)

Section 41 applies to information that has been provided by a third party and where disclosure would constitute an actionable breach of confidence. After careful consideration, we have determined that this information is exempt from disclosure under section 41(1) of the FOI Act.

This information was supplied to us in circumstances giving rise to an expectation that the information would be treated in confidence and would not be widely shared. It is our view that disclosure would breach that confidence.

Commission authored content in the scope of this part of the request is not routine correspondence, and its disclosure would reveal the information contained in the information provided by the third party.

Section 41 is an absolute exemption and so is not subject to the public interest test.

We recognise that the public interest may be relevant in the context of this exemption if it would defeat an actionable breach of confidence. In this case, we do not consider that disclosure would meet the threshold required for the public interest to override the duty of confidence.

Where a duty of confidence exists, there is a strong public interest in favour of maintaining that confidence. The individuals and organisations we regulate have the right to expect that information they share with us with an expectation of confidence remains confidential.

The ICO is clear that safeguarding this principle is in the public interest. Disclosure of information that is imparted in confidence would inhibit full and frank disclosure of relevant information to us. This, in turn, would be likely to impair the effectiveness of us in carrying out our statutory functions. On balance, we do not consider that the public interest defence to an actionable claim for breach of confidence is met. The section 41 exemption is therefore engaged.

6. *Any internal Electoral Commission assessment notes, decision records, review documents, recommendations, legal comments, compliance notes, or internal correspondence relating to the assessment and approval of Restore Britain's registration.*
7. *Any documents showing whether the Commission considered Restore Britain's constitution, membership rules, candidate-selection rules, or internal governance arrangements in relation to equalities law, political party registration requirements, or possible discriminatory provisions.*

Exemption: section 36(2)(b)(ii)
Section 36(2)(b)(ii) exempts from disclosure information, which in the reasonable opinion of a qualified person, would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.

The qualified person (s.36(5)(o) FOIA) at the Electoral Commission is of the opinion that releasing the requested information would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.

Public interest test

Section 36 is a qualified exemption, which means that we must consider whether the public interest in applying the exemption outweighs the public interest in disclosure. There are a number of factors that are weighed in the balance to consider whether the public interest in applying the exemption outweighs the public interest in disclosure. The factors that we have considered are laid out below

Public interest in favour of disclosure

The Commission recognises that there is a public interest in transparency and accountability for decisions made by a public body, and in understanding the reasons for the decision taken, including those based on the opinions and advice of internal officers.

Disclosure would improve public understanding and increase public trust in how the Commission makes fully informed, reasoned decisions, including its provision of advice and guidance.

Public interest against disclosure

Disclosure risks inhibit the free and frank exchange of views for the purpose of deliberations between Commission officers. Exchange of views internally is essential to the Commission's complex regulatory decision-making.

The information contains deliberations about the requirements relating to political party governance documents, and includes internal debates between Commission officers as they consider the proper application of those requirements. Commission officers need to be able to deliberate without fear that discussions will be taken out of context and reported. Release of the information would compromise the ability of Commission officers to engage in free and frank deliberations on party registration matters.

Disclosure risks inhibiting free and frank exchange of views between Commission

officers and political parties, and the provision of advice to those parties. The Commission must not prejudice its ability, or the ability of other public bodies to conduct their statutory functions effectively. Disclosure of the requested information would, or would be likely to, inhibit the ability of the Commission to engage in free and frank discussions and effectively deliberate for the purpose of complex regulatory decision-making.

Conclusion

Following due consideration of the above, the qualified person is of the opinion that disclosure of the information would, or would be likely to, inhibit the free and frank exchange of views for deliberation.

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

8. *Any amended, revised, corrected, or resubmitted versions of the above documents.*

Exemption – section 36(2)(b)(i), section 36(2)(c)
Section 36(2)(b)(i) exempts from disclosure information, which in the reasonable opinion of a qualified person, would, or would be likely to, inhibit the free and frank provision of advice.

Section 36(2)(c) exempts from disclosure information, which in the reasonable opinion of a qualified person, would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

The qualified person (s.36(5)(o) FOIA) at the Electoral Commission is of the opinion that releasing the requested information would, or would be likely to, inhibit the free and frank provision of advice, and it would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Public interest test

Section 36 is a qualified exemption, which means that we must consider whether the public interest in applying the exemption outweighs the public interest in disclosure. There are a number of factors that are weighed in the balance to consider whether the public interest in applying the exemption outweighs the public interest in disclosure. The factors that we have considered are laid out below.

Public interest in favour of disclosure

The Commission recognises that there is a public interest in transparency and accountability for decisions made by a public body, and in understanding the reasons for the decision taken, including those based on the opinions and advice of internal officers.

Disclosure would improve public understanding and increase public trust in how the Commission makes fully informed, reasoned decisions, including its provision of advice and guidance.

Public interest against disclosure

Disclosure of the information would inhibit the free and frank provision of advice for an applicant party deliberating on, and amending documentation, as part of an application to register a political party, ahead of finalised documents being formally registered. Furthermore, release would prejudice the effective conduct of public affairs.

Political parties need to be able to seek advice, and Commission officers need to be able to provide advice without being inhibited by the concern that information could be taken out of context when released into the public domain. Disclosure could have a chilling effect where parties are dissuaded from seeking advice from the Commission. While releasing external correspondence with the applicant party may provide transparency on how it is governed and operated, doing so risks inhibiting free and frank provision of advice to them.

Release of the information into the public domain would be prejudicial to the ability of the Commission to work with the relevant parties and other political parties. Parties would lose confidence in the Commission as an independent and impartial body if its officers' confidential comments were being used against them by third parties. This would further inhibit external bodies from engaging with the Commission in a free and frank manner.

It is important for parties to be able to give the Commission early sight of documents or information, to enable internal debate that results in the provision of high-quality advice and guidance. Release of this information would indicate to parties and other regulated stakeholders that they cannot reasonably expect that any draft or unfinished documentation or discussion around this would not be disclosed.

This, in turn, will inhibit external stakeholders from engaging with the Commission in a free and frank manner at an early stage, and reduce the effectiveness with which the Commission fulfils its legal duty to give advice and assistance to regulated entities. Furthermore, disclosure of the information may affect the willingness of parties to make applications in the first place, and not just their willingness to seek advice.

The Commission must not prejudice its ability, or the ability of other public bodies, to conduct their statutory functions effectively. Disclosure of the requested information would, or would be likely to, inhibit the ability of the Commission to engage in free and frank discussions and provide advice on complex and novel areas, and otherwise prejudice its ability to effectively carry out its statutory functions.

Conclusion

Following due consideration of the above, the qualified person is of the opinion that disclosure of the information would, or would be likely to, inhibit both the free and frank provision of advice. In addition, disclosure of the information would otherwise prejudice the effective conduct of public affairs.

We therefore 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, 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: 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 Team
FOI@electoralcommission.org.uk

The Electoral Commission
www.electoralcommission.org.uk