

## Harriet Fielding

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**From:** FOI  
**Sent:** 22 June 2016 14:51  
**To:** [REDACTED]  
**Subject:** FOI 76/16 - Risk Register

Dear [REDACTED]

### **Our Ref: FOI 76/16**

Thank you for your request under the Freedom of Information Act 2000 dated 9<sup>th</sup> June 2016.

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 in bold below followed by our response.

Your request:

**Please provide me with the information contained in the Electoral Commission's risk register in relation to the Referendum on Membership of the European Union as it stood at 22:00 on 8 June 2016.**

Our response is as follows:

The Commission does hold information relating to your request.

The Commission maintains a programme risk register for the delivery of the EU Referendum however we consider this to be exempt from disclosure under section 36 of the Freedom of Information Act 2000.

### Section 36

The Commission does hold this information however, we consider that s. 36(2)(c) of FOIA is engaged in relation to the requested information. Section 36(2)(c) provides that information is exempt if in the reasonable opinion of the qualified person, disclosure of the information would, or would be likely to, prejudice the effective conduct of public affairs.

The Commission's qualified person for the purpose of this request is our Deputy Chief Executive, Carolyn Hughes and she has decided that the exemption applies in this case. This is because disclosing the risk register would, within the timeframe of this request, would prejudice the safe conduct of the referendum. In the opinion of the qualified person, section 36(2) is engaged (that disclosure would or would be likely to cause prejudice or inhibition) and therefore the public interest test has been carried out. The public interest in transparency, in this instance, does not outweigh the safe conduct of the referendum. Releasing the risk register at this time could enable the conduct of the referendum to be jeopardised by external interference. The overriding public interest is that the referendum is conducted safely and produces a timely result that the public can have confidence in.

Release of the risk register would also have a negative impact on future events as the risks are still relevant. There would also be a chilling effect on our ability to discuss risks internally if this information were to be released.

Exemptions under s.36 of FOIA are subject to the public interest test, where information must be disclosed if the public interest in disclosure outweighs the public interest in maintaining the exemption. On balance, the qualified person has confirmed that the public interest falls in favour of not releasing this 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: <http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-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: <http://www.ico.gov.uk>

Yours sincerely

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