

Caitlin Lindenberg

From: FOI
Sent: 13 July 2016 10:09
To: [REDACTED]
Subject: FOI 87/16 - Spending returns for individual Parliamentary candidates

Dear [REDACTED],

Our Ref: FOI 87/16

Thank you for your request under the Freedom of Information Act 2000 dated 15th 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.

You have requested:

The Electoral Commission's UK Parliamentary General Election 2015: Campaign spending report published in February 2016 stated the Commission obtained copies of candidate spending returns for 3,436 candidates. I wish to obtain copies of each of these actual spending returns for each individual Parliamentary candidate for the 2015 general election, in as far as they are held by the Commission. This includes all the associated worksheets that were provided as part of the return.

Our response is as follows:

We do hold copies of the candidate spending returns for these candidates. Returning Officers are required to provide copies of the returns to the Electoral Commission, but are not required to provide the invoices and receipts, and generally do not do so.

All candidates who contested the general election had to submit their returns of candidate spending, along with the appropriate invoices and receipts, to the Returning Officer within 35 days of the declaration of the result. The Returning Officer is the primary holder of this information and has a duty to make the returns available for inspection.

For that reason, we consider this information is exempt under Section 21 as the information is publicly available elsewhere.

You should contact the Returning Officers to arrange to inspect the returns and supporting documentation from the candidates. Returning Officers are specified in the RPA 1983, section 24 for England and Wales, section 25 for Scotland and section 26 for Northern Ireland. In England and Wales the specified RO is often a ceremonial office-holder – Sherriff or Mayor – and so, in practice, an (Acting) Returning Officer is appointed to be responsible for managing the administration of the election.

The Acting Returning Officer for a local authority is normally a senior paid officer, in most cases the Chief Executive, a Director or senior lawyer.

I recommend that you address any request to 'The (Acting) Returning Officer for the relevant constituency.

Under section 21, information is exempt from disclosure if it is publicly available elsewhere. Information is taken to be reasonably accessible if it is information which the other authority is obliged by legislation to make publicly available. Under section 88 of the Representation of the People Act 1983, Returning Officers need to make the returns available for public inspection. The ICO recognises that although something may only be available for public inspection, it will still be reasonably accessible. The Commission considers the legislative right of access to this information is through the relevant Returning Officer.

I trust that this information satisfies your request. 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

Paul O'Malley
Information Adviser (Records Management)

The Electoral Commission

3 Bunhill Row

London EC1Y 8YZ

Tel: 020 7271 0554

Fax: 020 7271 0665

www.electoralcommission.org.uk

www.aboutmyvote.co.uk

Putting voters first

 Please consider the environment before printing this email.