



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-03180

Keyword: Crime

Subject: Electoral Fraud 2010 UK General Election

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to partially exempt records in relation to your request pursuant to the provisions of Section 22 and Section 30 of the Act.

Question

Full details of allegations of electoral fraud relating to the administration of the 2010 UK general election.

I would like the response to include details of the number of allegations made and the constituencies involved, the specific allegations, the status of the individuals accused of any misdemeanours – ie candidates, party officials, etc – and the result or current status of any investigations carried out as a result.

Answer

The Police Service of Northern Ireland's Central Statistics Unit has located information on reports of electoral fraud relating to the 2010 elections. These occurred in Newry and Armagh and North Antrim constituencies. There is no information held by PSNI relating to the status of the individuals.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 22 (1) (a) (b) and (c) – Information Intended for Future Publication
Section 30 (1)(a) - Investigations and Proceedings

Pursuant to the provisions of Section 22 of the Freedom of Information Act 2000 it has been decided to refuse access to the number of allegations made, the specific allegations and the result of any investigations. Under Section 22 (1) of the Act the Police Service of Northern Ireland is not obliged to disclose information that is held with a view to its publication at some future date.

The Electoral Commission and the Association of Chief Police Officers undertake systematic monitoring of allegations of electoral malpractice reported to the police during the election period. Cabinet Office officials also attend meetings of relevant stakeholders hosted by the Electoral Commission to discuss issues related to electoral integrity.

The Electoral Commission has indicated that it will publish the verified data arising from this process, and analysis on the extent and nature of electoral malpractice reported during 2010 (including the May UK general election), in January 2011. This will include the number of allegations made, the specific allegations and the result of any investigations carried out as a result.

Pursuant to the provisions of Section 30 of the Freedom of Information Act 2000 it has been decided to refuse access to current status of any investigations.

Section 22 and Section 30 are both is a class based, qualified exemptions which means that the legislators have identified that the public interest considerations need to be evidenced and articulated to the applicant. These are set out below.

Section 22 Factors Favouring Disclosure

The purpose of the Act is to make public authorities more accountable. Release of the information would demonstrate the efficiency and effectiveness of the electoral and democratic process.

Section 30 Factors Favouring Disclosure

Disclosure of the requested information would promote public trust in providing transparency, demonstrating openness and accountability with regard to investigations into electoral fraud. It could allow the public to be satisfied that investigations are being conducted effectively. Disclosure would also show that public funds are being used appropriately.

Section 22 Factors Favouring Non - Disclosure

The exemption engaged in this case specifically requires us to look at the public interest in delaying the release of information that will automatically be disclosed in the future. Public funds are already used to provide the relevant data to the central bodies managing the publication. To repeat those activities in response to Freedom of Information requests would not be an efficient use of resources. Non-disclosure would aid the consistency and integrity of the electoral commission report when published as it will provide a timely and balanced overview of the situation across the UK.

Section 30 Factors Favouring Non-Disclosure

Disclosure of the requested information would be likely to prejudice current investigations. This could lead to a collapse of the investigation or undermine an individual's right to a fair trial. It would not be in the public interest to release information in relation to any unresolved investigations regarding electoral fraud as this may prevent or hinder current investigations and regulatory enforcement.

Decision

The information you have requested is scheduled to be published by the Electoral Commission and the Association of Chief Police Officers in January 2011. The public interest is met by this scheduled publication there is no benefit to the public interest in an advanced disclosure.

The PSNI will not divulge information if to do so would adversely affect an ongoing investigation. Whilst there is a public interest in the transparency of the law enforcement role of the police service and providing assurance that the PSNI is appropriately and effectively dealing with crime, there is a strong public interest in safeguarding the integrity of police investigations.

It is therefore my opinion that the current status of ongoing investigations into electoral fraud should not be disclosed at this time.

If you have any queries regarding your request please write or contact the Freedom of Information Team on 028 9070 0164. Please remember to quote the reference number listed above in any future communications with the Freedom of Information Team.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.