

Dear Mr Griffiths

**Re: Request for Information – SOL/ACCC3C-IR – Referendum Result by district/area/station**

I refer to your email to Manchester City Council (“the Council”) dated 5 January 2017 asking that the Council to undertake an internal review of your request for information concerning a breakdown of the European Union referendum results by whatever district/area/station that they are available for. An internal review has now been completed and this letter is to inform you of its outcome.

**Background**

In your request of 5 December 2016 you asked for the following information:

*“Provide you with the detailed results of the June 2016 EU referendum results broken down by whatever district/area/station that they are available for.”*

**Basis of complaint**

A response was provided by the Council to this request on 22 December 2016. Following this, on 5 January 2017 you asked for an internal review regarding the Council’s decision not to provide you with information relating to results of the EU referendum by whatever district/area/station that they are available.

**Findings of Internal Review**

I have conducted a review of the Council’s original response to your request which was sent on 5 December 2016, and the additional detail you provided within your email requesting an internal review dated 22 December 2016.

I find that the Council’s original position on this matter is correct. The Council’s original response informed you that the Counting Officer for the Manchester Counting Area at the 23 June 2016 referendum, who was responsible for the Manchester level local totals, is a separate statutory office holder, distinct from the Council, and that obligations under the FoIA do not apply to him when acting in that capacity. The Council itself does not hold the requested information.

The FoIA lists all public authorities subject to the provisions of the Act. A link was provided by the Council in its original response and for your ease of reference I have provided it again here:

<http://www.legislation.gov.uk/ukpga/2000/36/schedule/1>

The FoIA does not list any person appointed under the Representation of the People Act 1983 (or related electoral legislation), which means that all Electoral Registration Officers, Counting Officers, Returning Officers or any other

appointments made under the 1983 Act (or other relevant electoral legislation) are exempt from the FoIA.

The Electoral Commission was responsible for the conduct of the poll nationally. Local totals for the Manchester Voting Area and the rest of the county by local authority areas are available from their website:

<http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/electorate-and-count-information>

### **Conclusion**

As stated above, I find that the original response from Manchester Council on 22 December 2016 was correct, given that the Counting Officer is not subject to FoIA.

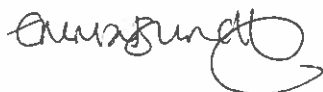
If you are not satisfied with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision.

The information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Please remember to quote the reference number above in any future communications.

Yours sincerely



Emma Burnett  
Head of Electoral Services