



Ministry of Housing,
Communities &
Local Government

**Ministry of Housing, Communities & Local
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Mr Abdul Hai

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Date: **7 September 2018**

Dear Mr Hai

Freedom of Information Act 2000 – 3492745

I refer to your request for information which was received on 22 September 2017 and our response dated 5 March 2018.

Following correspondence with the Information Commissioner's Office (ICO), the Ministry of Housing, Communities and Local Government (MHCLG) would like to revise its response to you; please find our revised response below. I would like to offer my apologies for the change in the Department's position in relation to your request.

Your request was:

"Who decided that Tower Hamlets should be excluded from the voter ID pilot in 2018?"

All correspondence between:

- a) DCLG Ministers and Officials in this regard since 2015;*
- b) Commissioners and DCLG since 2015;*
- c) Council officers including Will Tuckley since 2015; and*
- d) Elected members of Tower Hamlets or members of the Commons and Lords since 2015 in this regard."*

Your request has been considered under the Freedom of Information Act 2000 ("FOIA").

The decision to not participate in the voter ID pilot was made by Tower Hamlets.

I can confirm that the information requested is held by MHCLG and we are able to provide you with some of this information. I have enclosed copies of the information subject to redactions of personal data under the provisions of section 40(2) of FOIA, since disclosure would breach one of more of the data protection principles.

However, I am unable to provide all of the information we hold. A briefing note prepared for the Secretary of State prior to a telephone conversation with Chris

Skidmore, Elections Minister, referred to in the email from Lead Inspection and Intervention, dated 06 September 2017, is exempt from disclosure as the exemption as section 35(1)(b) of the FOI Act is engaged. This exemption applies to information which relates to ministerial communications; as the primary purpose of the document concerned was to brief the Secretary of State prior to a telephone conversation with the Elections Minister this exemption is engaged.

Should the exemption at section 35(1)(b) be found not to apply to any of the information in this document, we consider that the exemption at section 36(2)(c) would be engaged in the alternative as disclosure would harm the effective conduct of public affairs. The briefing note is internal correspondence to the Secretary of State, from officials, and was never intended for disclosure beyond this, containing as it does advice regarding matters that may or may not be raised as part of that conversation. If such advice was not provided to Ministers it would risk their ability to respond accurately to issues; officials must feel able to provide candid recommendations without fear of inappropriate disclosure.

Information falling within these exemptions must still be disclosed unless the public interest served by doing so is outweighed by that served by maintaining the exemption.

There is always a degree of benefit in making information held by public authorities available as it increases public participation in decision making, and aids the transparency and accountability of government. This, in turn, may serve to increase public trust and confidence in good governance. Specific to this situation, there is a further public interest in transparency and the relationship between the council and central government due to the police investigation into election fraud in Tower Hamlets.

However, there is a contrasting public interest in Ministers across Departments being able to discuss issues candidly and for officials within the Department being able to provide advice to Ministers regarding the handling of such conversations without disclosures which could potentially undermine the collective decision making process of government Ministers. It is key to the operation of Government that Ministers can debate and discuss issues in a free and frank way before reaching a collective decision. Briefing notes prepared by officials to support these conversations ensure that Ministers have all the facts and high quality advice needed to be able to discuss issues effectively. Disclosing the information in question would make this advice less candid in the future, and Ministers could not be certain of receiving the high quality advice they require; this would clearly not be in the public interest.

Based on the above I have decided, on balance, that it is not in the public interest to disclose this briefing note at this time.

We will provide the ICO with a copy of this response, together with the information released. We will also explain to the Commissioner our reasons for withholding the remaining information so that she can make an informed decision regarding MHCLG's handling of your request.

Yours sincerely

FOI Business Partner