

From: FOI
Sent: 27 March 2018 15:10
To: [REDACTED]
Cc: FOI <FOI@electoralcommission.org.uk>
Subject: FOI 023/18 Business for Scotland - Response

Dear Mr [REDACTED]

Our Ref: FOI 023/18

Thank you for your email to the Electoral Commission dated **12 February 2018**.

The Commission aims to respond to requests for information promptly and regrets that on this occasion we have not done so.

Your request is in bold below followed by our response.

I am writing to enquire under the Freedom of Information Act about "Business for Scotland" and its registration with the Electoral Commission. On your website I can see no record of Business for Scotland (BfS) having registered as a campaign organisation for the three recent elections (GE 2017 and 2015 and Holyrood 2016). This is despite it having been found by the Electoral Commission to be working together with the Scottish National Party.

I would therefore like to enquire under FOI whether any discussions have been held between BfS and the Electoral Commission about these elections. I would also like to know whether there are emails or other records of internal discussions about the activities of BfS in these three elections.

Our response is as follows:

We hold some information in relation to your request.

Business for Scotland was a permitted participant at the Scottish independence referendum. The Electoral Commission did carry out an assessment of allegations that Business for Scotland was 'working together' with the Scottish National Party to procure or promote a yes outcome at the Scottish independence referendum. However, the Commission found no evidence to support these allegations. Further information is available here: <https://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-donations/electoral-commission-concludes-assessment-of-allegations-against-business-for-scotland-and-the-scottish-national-party>

Business for Scotland did not register as a third party campaigner at the 2015 or 2017 UK Parliament election, nor the 2016 Scottish Parliament election. However we have some communications in relation to these elections which are contained in the attached file.

Please note, some of the information contained in the attachments to this response is personal data such as the names, and contact details of junior staff at the Electoral Commission and Scotland in Union which is exempt under section 40 of the FOI Act. We have also applied redactions to a spreadsheet of donor information which was provided to us as part of our compliance case. As these donations do not meet the threshold for transparency under the Political Parties Elections and Referendums Act

2000 (PPERA), their names have been redacted under section 40 of the FOIA. Further explanation of the section 40 exemption is provided below.

Section 40(2) and (3)(a)(i) of the FOI Act

Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2000 (DPA), and where release of the information requested would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by section 1 of the DPA because the information relates directly to an identifiable living individual. Release of this information would breach the first data protection principle, which states the information must be processed fairly and lawfully.

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: <https://ico.org.uk/>

Yours sincerely,


Information Management Adviser

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electoralcommission.org.uk
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Gordon

Thank you for confirming this. We have not yet planned a seminar on the EU referendum, but will offer either a seminar or a meeting once we know more details of the referendum. Will make a note to send you an invitation, as well as the guidance once that has been written.

Kind regards

Senior Adviser Elections and Campaigners

The Electoral Commission

Lothian Chambers

59-63 George IV Bridge

Edinburgh, EH1 1RN

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Textphone: [REDACTED]

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From: Business for Scotland [mailto:[REDACTED]]

Sent: 26 October 2015 13:45

To: [REDACTED]

Subject: Re: Invitation to the Electoral Commission's Non-party campaigner seminar on 16 November

Thanks We will not be campaigning for a party at this election - please keep us informed about any EU referendum sessions as we might be part of the Yes campaign.

Yours for Scotland

Gordon

Gordon MacIntyre-Kemp

Founder and Chief Executive

The Campaigning Business Network

M: [REDACTED]
Twitter: [REDACTED]
Facebook: <https://www.facebook.com/BusinessforScotland>
Web: www.businessforscotland.co.uk

On 26 Oct 2015, at 13:42, [REDACTED] wrote:

Dear colleague

The Electoral Commission will be hosting a free seminar on the non-party campaigner rules for the Scottish Parliament election. The seminar will take place on 16 November 2015 from 13:30 to c. 15:30 at the Midlothian Room, Lothian Chambers, 59-63 George IV Bridge, EH1 1RN.

The seminar will be an opportunity to learn and ask questions about the rules for non-party campaigners at the Scottish Parliament election, and will comprise of a presentation of the rules and practical examples of campaigning. The agenda for the seminar is attached in this email.

If you would like to attend please respond to this email with the name of your organisation and the name(s) of attendee(s).

We have issued guidance for non-party campaigners at the Scottish Parliament election, which you will be able to find here: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/193038/Scottish-parliamentary-election-May-2016-non-party-campaigners.pdf

If you have any questions about the seminar or the rules for non-party campaigners, then do contact me.

Best wishes

[REDACTED]
Senior Adviser Elections and Campaigners

The Electoral Commission
Lothian Chambers
59-63 George IV Bridge
Edinburgh, EH1 1RN

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<Agenda for NPC seminar 16 November 2015.pdf>

Non-party campaigner seminar

Date: Monday 16 November 2015

Time: 13:00 – 15:30

Location: Midlothian Room, Lothian Chambers,
59-63 George IV Bridge, Edinburgh, EH1 1RN

Agenda

13:00 – 13:15 Registration and tea/coffee

1. Welcome and introductions
2. Campaigning at the Scottish Parliament election - An overview of the rules
3. Applying the gateway test to different types of campaigning
4. Questions and answers
5. Break
6. Hustings, joint campaigning and attributing spending
7. Break
8. Registration information
9. Questions and answers
10. Evaluation

Copy of e-mail sent on 15 January 2015 to all registered campaigners from the Scottish independence referendum

Dear permitted participant

I want to draw your attention to *the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014*, which regulates non-party campaigning for the UK Parliamentary general election. Since you were a registered campaigner at the Scottish Independence Referendum, you may be considering campaigning for the UK Parliamentary general election, and I therefore thought it wise to draw its provisions to your attention.

There are rules on spending by individuals and organisations that undertake certain types of campaigning at the UK Parliamentary general election, but do not stand as political parties or candidates. These individuals and organisations are called “non-party campaigners”. These rules are intended to ensure there is transparency about spending on campaigning at major elections, and there are limits on how much people can spend in the run up to these polls.

Spending on campaign activity by non-party campaigners will be regulated if the activity can reasonably be regarded as intended to influence voters to vote for or against one or more political parties or a ‘category of candidates’. Regulated campaign activities are:

- publishing or distributing election material (such as leaflets, adverts and websites) to the public
- canvassing and market research (including the use of phone banks) members of the public
- public rallies and public events
- press conferences or other media events that you organise
- transport in connection with publicising your campaign (including battles buses)

If you are spending over £10,000 in any of Scotland, Wales or Northern Ireland or £20,000 in England on these activities between 19 September 2014 and the UK Parliamentary general election on 7 May 2015 you will need to register with us.

To assist you, we have further information on these rules in our guidance for non-party campaigners. This can be found on our website in the following location <http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/non-party-campaigners>.

You may find our [Introduction to non-party campaigning](#) and our [Overview of regulated non-party](#) campaigning particularly useful.

Once you have read our guidance, please feel free to contact me to discuss whether the rules apply to you and, if so, what you will need to do.

Best regards

[Redacted]

Referendum Officer

The Electoral Commission
Lothian Chambers
59-63 George IV Bridge
Edinburgh EH1 1RN

[Redacted]

[Redacted]

www.electoralcommission.org.uk

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