

From: [FOI](#)
To: [REDACTED]
Subject: FOI 102/18 - Response
Date: 19 July 2018 10:48:49
Attachments: [RE Scottish Unionist Association Trust address CCM0324240.pdf](#)

Dear [REDACTED]

Our Ref: FOI 102/18

Thank you for your email to the Electoral Commission dated **02 July 2018**.

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.

- 1. I would like information you hold on the status, for regulatory purposes, of the Scottish Unionist Association Trust (SUAT) In particular, I would like to receive copies of all communications with representatives of SUAT where the status of the organisation is discussed and verified.**
 - a) Multiple addresses have been given for SUAT and it has variously been described as a private trust, a friendly society, a limited liability partnership and an unincorporated association on official documentation.**
 - b) Please also supply copies of any communications or formal reports where SUAT officials provide evidence, or re-assurances, to the Electoral Commission that the political donations it has made under are valid and compliant with electoral law.**
- 2. Although I understand that the Glasgow Unionist Association Trust has now been wound up, I would also be grateful for any similar information you may hold on that body too.**

Our response is as follows:

We hold some of the information you have requested.

Information relating to SUAT which does not fall under the below exemptions has been attached to this response. In addition, the Commission holds further information concerning SUAT which is held as part of an investigation and which does fall under exemptions provided by the Freedom of Information (FOI) Act. These are detailed below.

We hold no information falling within your request in relation to the Glasgow Unionist Association Trust.

In respect of the information we have supplied, we have redacted some personal information, having applied exemptions under the Data Protection Act.

Section 40 (2) provides for an exemption where the information requested constitutes personal data as defined by the DPA, and where release of the information requested would breach one of the data protection principles.

Some of the information we hold that is relevant to your request falls within the description of personal data as defined by section 3 of the DPA because the information relates directly to an identifiable living individual, and is 'personal data' under section 40 (2). Disclosure of this information would contravene the first principle of the DPA (40 (3)(a)(ii)).

The first data protection principle states that personal data shall be processed fairly and lawfully. The Commission considers that it would be unfair to release the information requested as it would be reasonably expected by those individuals that details of who they are, the positions they hold or held, any home addresses and similar personal data would not be disclosed to the general public including in connection with these matters.

Therefore, the Commission is not satisfied that under section 40 (2) it would be fair and lawful to provide you with the personal data contained in the information requested.

Exemption under section 30 and 31 of the Freedom of Information (FOI) Act

The Commission has a statutory function to conduct investigations into potential breaches of the reporting requirements in Political Parties, Elections and Referendums Act 2000 ("PPERA").

The Commission is currently conducting an investigation in respect of SUAT, which concerns its financial reporting obligations under PERA.

One of the aims that investigation is to establish its nature.

Section 30(1)(a)(i) of the Freedom of Information Act 2000 (FOI) provides for exemption from disclosure of information which has been held at any time by a public authority for the purpose of any investigation which the authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.

Moreover, section 31(1)(a) of the FOI Act provides for an exemption from disclosure of information which would prejudice the prevention or detection or crime.

A further exemption from disclosure can be found in section 31(1)(b) of the FOI Act, where information which would prejudice the apprehension or prosecution of offenders is exempt.

Where there is no evidence of criminal activity, or in any other circumstances, the Commission may consider civil breaches of PERA. In so far as the investigation relate to other potential breaches of PERA, section 31(1)(g) of the FOI Act exempts from disclosure information that would or would be likely to prejudice the exercise of the Commission's functions under PERA for the purposes of

ascertaining whether any person has failed to comply with the law (as provided by section 31(2)(a) of the FOI Act). Section 31 of the FOI Act applies only to the extent that the information is not exempt under section 30.

The Commission considers that disclosure of the information you have requested would prejudice the exercise of the Commission's statutory functions and its ability to conduct investigation such as in this matter.

The public interest test

Applications of the section 30 and 31 exemptions are both subject to the public interest test. There are a number of factors that must be considered and weighed in the balance. The factors we have considered are set out below.

The public interest lies in enabling the Commission to undertake inquiries as part of its investigation powers so that it can make regulatory decisions based on a firm factual basis and to gather such evidence and facts on a confidential basis. It is in the public interest to maintain this confidentiality, as it encourages the free and frank exchange of information from third parties to the Commission without which the Commission could not perform its statutory functions.

The Commission aims to be robust and fair in its regulatory decisions. We acknowledge that there is a legitimate public interest in carrying out investigations in an open and transparent way, and in promoting public understanding of the decisions we make as a regulator. These are matters we acknowledge and take into account, including when deciding whether to disclose information, whilst ensuring proper regulation of party political funding.

In carrying out effective inquiries the Commission depends on being able to secure the cooperation of those individuals and entities from whom we seek information. Whilst the Commission has powers to require information, the co-operation of the regulated community and other enforcement agencies remains essential to our ability to conduct our statutory functions. As our investigations rely on gathering evidence from these individuals and entities it is clearly in the public interest that we maintain their co-operation and avoid releasing information that could prevent exchange of relevant information in the future and have the effect of hindering our ability to conduct our statutory functions.

Those individuals and entities had, and continue to have, a reasonable expectation that information provided in the course of the investigation would not be made available to the public at large. If information provided in the course of our investigation was made public under the FOI Act, it would make individuals and entities reluctant to co-operate and may prejudice interactions with them as well as others in the future. This would in turn impact on the type, timeliness, and quality of information provided to the Commission during its investigations which would prejudice the Commission's ability to conduct its statutory functions.

Decision on disclosure

Having carefully weighed the public interest relating to possible disclosure of the information requested under sections 30(1)(a)(i), 31(1)(a), 31(1)(b) and 31(1)(g) of the FOI Act we are satisfied that it is not appropriate at this time to disclose the

information which the Commission holds. The Commission is satisfied that maintaining the exemption outweighs the public interest in disclosure.

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,



Access to Information Officer (FOI & DPA)

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From: [REDACTED]
Sent: 02 March 2017 15:00
To: [REDACTED]
[REDACTED]
Subject: RE: Scottish Unionist Association Trust address CCM:0324240

Hi, just to clarify that the questions we have been asked only relates to unincorporated associations in Scotland.

If we do get any enquiries relating to NI, then we will forward the enquiry to the press team and make [REDACTED] aware.

[REDACTED]

From: [REDACTED]
Sent: 02 March 2017 14:37
To: [REDACTED]
[REDACTED]
Subject: RE: Scottish Unionist Association Trust address CCM:0324240

FYI, just so that we are joined up, Open Democracy are in touch with our Edinburgh Office on unincorporated associations.

From: [REDACTED]
Sent: 02 March 2017 13:38
To: [REDACTED]
Subject: RE: Scottish Unionist Association Trust address CCM:0324240

He's now called a number of us. [REDACTED] could you please direct him to the Belfast office?

Thank you

[REDACTED]

From: [REDACTED]
Sent: 02 March 2017 13:29
To: [REDACTED]
Subject: RE: Scottish Unionist Association Trust address CCM:0324240

Hi

Just to let you know that [REDACTED] from Open Democracy has been in touch again regarding donations given to the Conservative party from UA. I have asked him to put his questions in writing and will share them with you once he sends an email.

[REDACTED]

From: [REDACTED]
Sent: 16 February 2017 10:38
To: [REDACTED]
Subject: FW: Scottish Unionist Association Trust address CCM:0324240

The CUP have now provided the address.

[REDACTED] I don't you need this now but fyi.

[REDACTED]

From: [REDACTED] [REDACTED] [REDACTED]
Sent: 16 February 2017 10:33
To: [REDACTED] [REDACTED]
Subject: RE: Scottish Unionist Association Trust address CCM:0324240

Dear [REDACTED]

Apologies for the delay – just realised that I hadn't replied to this. The address for this organisation is:

**570 Mossbank Boulevard
Glasgow
G52 1SD**

Regards

[REDACTED]

[REDACTED]

[REDACTED]

Conservative Campaign Headquarters
4 Matthew Parker Street, London, SW1H 9HQ
020 [REDACTED] [REDACTED]

From: [REDACTED]
Sent: 07 February 2017 17:00
To: [REDACTED]
Subject: Scottish Unionist Association Trust address CCM:0324240

Dear [REDACTED]

Would it be possible for you to provide me with an address for Scottish Unionist Association Trust. I have checked and I have been unable to identify a report where the address is listed?

We don't currently have an address for them on record as you'll see here:

<http://search.electoralcommission.org.uk/Search?currentPage=1&rows=30&query=Scottish%20Unionist%20Association%20Trust&sort=AcceptedDate&order=desc&tab=1&open=filter&et=pp&prePoll=false&postPoll=true&optCols=ReportingPeriodName>

Thank you

[REDACTED]

[REDACTED] [REDACTED]

Senior Financial Reporting Adviser

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www.electoralcommission.org.uk

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