From: <u>FOI</u>

To:

Subject: FOI 132/18 - Overspend by "Remain" campaign - Response

Date: 26 September 2018 10:44:01

Attachments: FOI 13218 - Overspend by "Remain" campaign.pdf

Dear

Our Ref: FOI 132/18

Thank you for your email to the Electoral Commission dated 09 August 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.

 A copy of all correspondence (including emails) between 3 June 2018– 3 August 2018, sent by one of the following - - Claire Bassett, Ailsa Irvine, Bob Poser, Louise Edwards, Louise Footner or Tom Hawthorn -- which refer to claims of possible overspending by 'Remain' campaign groups.

Our response is as follows:

We hold the information you have requested and have attached the relevant correspondence to this response.

Exemptions under section 40(2) Data Protection Act 2018 (DPA)

You will notice that certain personal details have been redacted from the documents we are releasing. Section 40(2) provides exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requests 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 Part 1 of the DPA because the information relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances.

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-l-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 and DPA)

The Electoral Commission

FOI@electoralcommission.org.uk electoralcommission.org.uk

From: Louise Edwards
To:

Subject: FW: Priti Patel and complaints about campaigners

Date: 31 July 2018 15:26:02

Hi

I reworked the Priti Patel letter. Can you have a quick look through on the link below and let me know if you're happy it's an accurate reflection of your assessment decision please?

Thanks

From: Bob Posner **Sent:** 31 July 2018 14:32

To: Louise Edwards

Subject: RE: Priti Patel and complaints about campaigners

Yes fine, thanks.

Bob.

From: Louise Edwards Sent: 31 July 2018 14:24

To: Bob Posner <u>@electoralcommission.org.uk</u>>

Subject: FW: Priti Patel and complaints about campaigners

Claire is happy. Are you happy?

thanks

From: Louise Edwards Sent: 31 July 2018 14:09

To: Claire Bassett <u>@electoralcommission.org.uk</u>> **Subject:** RE: Priti Patel and complaints about campaigners

http://skynet/dm/Functions/CaseworkInvestigations/_layouts/15/DocIdRedir.aspx? ID=TX6SW6SUV4E4-1668264703-2187

Does this work? I've highlighted the paragraphs I've changed. The Stronger In one in particular is tricky, because what we are basically saying is that there just isn't anything we can see beyond simple speculation.

From: Claire Bassett Sent: 31 July 2018 13:19

To: Louise Edwards @electoralcommission.org.uk> **Subject:** RE: Priti Patel and complaints about campaigners

thanks

From: Louise Edwards
Sent: 31 July 2018 13:17

To: Claire Bassett

Cc: Bob Posner <u>@electoralcommission.org.uk</u>>; Craig Westwood

@electoralcommission.org.uk>

Subject: RE: Priti Patel and complaints about campaigners

Hi

She sent three in total. Not sure that you have access to the enforcement files so I've attached them.

Thanks

From: Claire Bassett Sent: 31 July 2018 12:44

To: Louise Edwards @electoralcommission.org.uk>

Cc: Bob Posner @electoralcommission.org.uk>; Craig Westwood
@electoralcommission.org.uk>
Subject: RE: Priti Patel and complaints about campaigners
Thanks
Please can I see Priti Patel's letter to us too?
From: Louise Edwards
Sent: 31 July 2018 12:21
To: Claire Bassett @electoralcommission.org.uk>
Cc: Bob Posner @electoralcommission.org.uk>; Craig Westwood
@electoralcommission.org.uk>
Subject: FW: Priti Patel and complaints about campaigners
Hi Claire
Below are links to the letters to Priti Patel and to Bob and Craig, and others, have commented. I'd welcome any comments you have.
We are ready to go with the letters to the two campaigners we will investigate. We are primed to send those letters shortly before we publish these ones.
Thanks
Louise
From: Louise Edwards
Sent: 30 July 2018 06:52
<u>@electoralcommission.org.uk</u> >; Craig Westwood
@electoralcommission.org.uk>

<pre>@electoralcommission.org.uk>;</pre>
@electoralcommission.org.uk>
Subject: Priti Patel and complaints about campaigners
Hi both
http://skynet/dm/Functions/CaseworkInvestigations/ layouts/15/DocIdRedir.aspx?
<u>ID=TX6SW6SUV4E4-1668264703-2187</u>
http://skynet/dm/Functions/CaseworkInvestigations/_layouts/15/DocIdRedir.aspx?
<u>ID=TX6SW6SUV4E4-1668264703-2189</u>
Attached are links to two letters:
-One to Priti Patel about her complaint about 'remain' campaigners. You will
see that we are not going to investigate Stronger In, or any of the
allegations of them coordinating with campaigners that registered late in the
campaign. But we are going to investigate two smaller campaigners for
possible undeclared joint spending.
- One to about the programme, in which we decline to
investigate the various allegations made.
can point you to the incoming letters if you want to see them. Both sets of
complaints have been assessed. These are basically the letters to the
complainants. We talked about publishing them, possibly together. If you had any
thoughts on the letters themselves please let me know. Otherwise, does it make sense to aim to publish these at some point this week?
Note that will need to have written to the two campaigners under
investigation first.
Thanks
Louise
Louise Edwards

The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
020 7271
electoralcommission.org.uk
yourvotematters.co.uk
Twitter | Facebook | Blog

From: Bob Posner
To: Louise Edwards

Subject: RE: Priti Patel and complaints about campaigners

Date: 31 July 2018 14:31:34

Yes fine, thanks.

Bob.

From: Louise Edwards Sent: 31 July 2018 14:24

To: Bob Posner

Subject: FW: Priti Patel and complaints about campaigners

Claire is happy. Are you happy?

thanks

From: Louise Edwards Sent: 31 July 2018 14:09

To: Claire Bassett <u>@electoralcommission.org.uk</u>> **Subject:** RE: Priti Patel and complaints about campaigners

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Cc: Bob Posner <u>@electoralcommission.org.uk</u>>; Craig Westwood

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Sent: 31 July 2018 12:44

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Cc: Bob Posner <u>@electoralcommission.org.uk</u>>; Craig Westwood

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Cc: Bob Posner · @electoralcommission.org.uk>; Craig Westwood
@electoralcommission.org.uk>
Subject: FW: Priti Patel and BBC complaints about campaigners
Hi Claire
Below are links to the letters to Priti Patel and to Bob and Craig, and
others, have commented. I'd welcome any comments you have. We are ready to go with the letters to the two campaigners we will investigate. We
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Thanks
Louise
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@electoralcommission.org.uk>
Cc: @electoralcommission.org.uk>;
@electoralcommission.org.uk>;
@electoralcommission.org.uk>
Subject: Priti Patel and complaints about campaigners
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Louise
Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
020 7271 electoralcommission.org.uk
CICCUTATION THIS STOTI, OF U.U.N.
yourvotematters.co.uk

From: <u>Louise Edwards</u>

Subject: RE: Priti Patel complaint response

Date: 25 July 2018 08:06:41

Thanks _____. In terms of the letter I'm writing then, are you happy for me to tell her that both DDB and WAAV are subjects of the investigation?

Louise

From:

To:

Sent: 24 July 2018 12:14

To: Louise Edwards;

Subject: RE: Priti Patel complaint response

Hi Louise.

has double checked and confirmed as below.

DDBUK – submitted on PEF Online and no joint spending reported. WAAV – submitted on PEF Online and no joint spending reported

From:

Sent: 24 July 2018 11:14

To: Louise Edwards <u>@electoralcommission.org.uk</u>>;

@electoralcommission.org.uk>

Subject: RE: Priti Patel complaint response

Ηi

Yes, agreed.

I had checked these documents <u>DDB's spending return</u>, <u>WAAV spending return</u>, both downloaded from our public website. I've just looked in this <u>folder</u> for the actual returns but neither is there. I'm happy to come in tomorrow to check.

From: Louise Edwards Sent: 24 July 2018 10:44

@electoralcommission.org.uk>;

@electoralcommission.org.uk>

Subject: RE: Priti Patel complaint response

And must be declared iaw EURA Sch1 para 23, _____. I assume you have checked the DDB and WAAV returns for any declared joint spending? I don't believe you can tell from PFR Online so you would need to look at the actual returns.

Thanks

From:

Sent: 24 July 2018 10:21

To: Louise Edwards @electoralcommission.org.uk>;

omega:omega:web">omega:omega:web">omega:ome

Hi

My reading of EURA schedule 1 para 22(3) is that it deems that 'common plan expenses' are taken into account when calculating the thresholds under s.117 PPERA and s.118 PPERA, rather than imposing an obligation to report them. So 'common plan expenses' need to be taken into account in terms of the

obligation to register as a permitted participant (s.117 PPERA), i.e. the £10,000 threshold, and in terms of the spending limits on permitted participants during the referendum period (s.118 PPERA).

From: Louise Edwards
Sent: 24 July 2018 09:45
To: @electoralcommission.org.uk>;
@electoralcommission.org.uk>
Subject: RE: Priti Patel complaint response
Hi
Re your comment. If both DDB and WAAV incurred spending on the videos then both need to declare the spending of the other as well as their own. Neither did. Both are under investigation. See EURA schedule 1 para 22(3). Is that not right? Thanks Louise
From:
Sent: 24 July 2018 08:33
To: Louise Edwards s@electoralcommission.org.uk>;
@electoralcommission.org.uk>;
@electoralcommission.org.uk>;
Subject: RE: Priti Patel complaint response
Hi,
Louise, yes apart from one suggested amendment in the concluding para.
From: Louise Edwards
Sent: 24 July 2018 08:06
To: <u>@electoralcommission.org.uk</u> >;

Louise

Louise Edwards
Head of Regulation
The Electoral Commission

3 Bunhill Row
London EC1Y 8YZ
020 7271
electoralcommission.org.uk
yourvotematters.co.uk
Twitter | Facebook | Blog

From: <u>Louise Edwards</u>

To: <u>FOI</u> Cc:

Subject: RE: FOI 104/18 - Vote Remain campaign - Acknowledgement

Date: 10 July 2018 07:32:55

Hi

I wonder if this is really appropriate to take forward under the FOI process? The request is not for information as such, but for the Commission to confirm or deny an allegation and a request for us to investigate. It seems to me that we can better answer the question in that way, rather than searching for documents that we are then likely to exempt.

If you agree, please could you forward the email to the PFR Inbox and we will take it from there.

Happy to discuss.

Thanks Louise

From: FOI

Sent: 09 July 2018 10:40 **To:** Louise Edwards

Subject: FOI 104/18 - Vote Remain campaign - Acknowledgement

Dear Louise,

Our Ref: FOI 104/18

The Commission has received the following FOI request:

- 1. In the month before the vote the Remainers set up five new campaigns and funnelled a million pounds into them so they could stay under the spending limit: I would like to know if this is correct & if so, would like the Electoral Commission to investigate whether the EU Remain Campaign broke its spending limits & will be subject to the same scrutiny of the Vote Leave Campaign.
 - a. <u>DDB UK LTD</u> registered as an independent campaign on 25 May 2016, less than a month before the referendum. DDB UK Ltd received £191,000 in donations.
 - b. <u>Best For Our Future</u> registered as a permitted participant on the 27 May 2016, less than a month before the referendum. It received £424,000 in donations.
 - c. <u>The In Crowd</u> registered on 10 June 2016, less than two weeks before the referendum. It received £76,000 in donations
 - d. <u>Virgin Management Ltd</u> registered as a permitted participant on 3 June 2016, less than three weeks before the referendum. It received £210,000 in donations.
 - e. Wake Up and Vote registered as a permitted participant on 24 May 2016, less than a month before the referendum. It received £100,000 in donations.

For information, here is a link to the <u>FOI Internal Procedure</u> You have been identified as the MT member responsible for preparing the response and ensuring that it is sent out to the requester as soon as possible and within the 20 working days statutory deadline for FOI requests. For this request the 20 working day deadline falls on **02 August 2018** but we should aim to get the response out in advance of that date if possible.

If you are not the right MT member to lead on this request, it is your responsibility to pass on the request to that person as a matter of urgency. Please update the FOI log every Friday with details of the progress in responding to the request. This should include the risk level and who is involved in preparing the response.

- If Third Party consultation is required, please ensure that this is done at the earliest opportunity, preferably by the end of day 3. This will ensure little hold up in made in preparing the response.
- If you decide that this FOI is deemed high risk, please inform me as soon as possible so that we can plan a realistic schedule to meet the deadline.

Please insert your answer to the request into this relevant Once the draft has been completed, and approved if it is a higher risk request, please send it to the Information Management team who will send the response out to the requester.

All emails and documents that need to be retained as a record of the Commission's actions in responding to the request should be stored in this folder: Skynet/DM/Functions/Information Management/FOI DPA Requests/
As MT lead for this request, is your responsibility to ensure that they are there ready for review in the event of a request for internal review of an FOI response, or a request for information from the Information Commissioner's Office. Please get back to me with any questions.
Kind regards,

From: Louise Edwards

Subject: RE: Decision To Fine Vote Leave

Date: 18 July 2018 09:45:21

Hi

No problem.

I think that it would be helpful to make a broader point somewhere in your reply that we have an Enforcement Policy that sets out our approach, process and investigative powers. All our investigations are conducted in line with this published policy.

On point 1, please refer to our published investigation report. This sets out in detail the key events of the investigation. This includes our interaction with Vote Leave during the investigation. It also explains the breadth of evidence we obtained and analysed to make our conclusions. He will see that this evidence came from a number of sources including Vote Leave itself.

https://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-donations/vote-leave-fined-and-referred-to-the-police-for-breaking-electoral-law

On point 2, please refer to the Enforcement Policy, chapter 6, which explains how we work with other regulators including the police. And again, the published report in respect of Vote Leave, as this explains why we decided to refer individuals to the police in this instance.

Hope this helps.

Louise

From:

Sent: 17 July 2018 13:17 **To:** Louise Edwards

Subject: FW: Decision To Fine Vote Leave

Hello,

Terribly sorry to have to bother you with this but tells me I will have to ask you about points 1 and 2 below. Would you be so kind as to help?

Many thanks

From:

Sent: 17 July 2018 12:21

To: Complaints < <u>Complaints@electoralcommission.org.uk</u>>

Subject: Decision To Fine Vote Leave

Morning,

I am writing to complain about the very clearly biased actions of the so called Electoral Commission in the decision to fine Vote Leave £61,000 and also, inform the Police. Unsuprisingly the Commission is loaded with Pro EU careerists who despite clear evidence that Remain was supported by significantly more funds including a (unauthorised by the public) £9M government leaflet, it does not feel the need to fully investigate Remain. What utter hypocricy and collusion.

Remain campaign did exactly the same thing that Vote Leave is accused of, only far, far worse. In the month before the vote the Remainers set up **FIVE** new campaigns and funnelled a **MILLION** pounds into them so they could stay under the spending limit:

- <u>DDB UK Ltd</u> registered as an independent campaign on 25 May 2016, less than a month before the referendum. DDB UK Ltd received £191,000 in donations.
- Best For Our Future registered as a permitted participant on 27 May 2016, less than a month

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- Wake Up And Vote registered as a permitted participant on 24 May 2016, less than a month before the referendum. It received £100,000 in donations.

The Remain campaign did exactly the same thing as Vote Leave, only with more money and with five new campaigns.

In the circumstances:

- 1. Please make available your evidence that Vote Leave refused to cooperate with the Commission
- 2. Why does this commission feel it neccessary to inform the Police yet when the Liberal Democrats were fined £18,000 for breaching spending rules in the EU referendum, yet the Police were not informed?
- 3. Why does the commission feel that the £9M public money used by the government to promote Remain is not a breach of spending rules?
- 4. Please provide evidence that the allegations into Remain using the same tactics have been fully investigated and resons why no further action is deemed necessary

It is obvious to over 17.4M people what the Commission's agenda is here and it's actions both professionally and privately will not be forgotten by the public. The reputation of democracy and various so called unbiased organisations within the UK is under scrutiny like never before. Announcements like today from the Commission, clearly based on one sided whistle blowing and to a staunchly Pro EU panel, merely highlights how little the public trust them any longer. For what it's worth I look forward to hearing from you before no doubt having to take my complaint further to the PHSO.

Yours sincerely

 From:
 Bob Posner

 To:
 "Office of Priti Patel"

 Subject:
 RE: (Case Ref: ZA49048)

 Date:
 04 June 2018 08:26:32

Thank you for your email with attachment. It will be considered alongside the earlier letter and we will respond formally in due course.

Yours sincerely

Bob Posner

Director of Political Finance and Regulation & Legal Counsel

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

Tel: 020 7271

www.electoralcommission.org.uk

From: Office of Priti Patel **Sent:** 03 June 2018 11:28

To: Bob Posner

Subject: FW: (Case Ref: ZA49048)

Dear Mr Posner,

Please find attached a letter to the Electoral Commission from The Rt Hon Priti Patel MP.

Yours sincerely,

Office of The Rt Hon Priti Patel MP Member of Parliament for Witham