From: FOI

Sent: 03 July 2020 12:52

To:

Subject: FOI 078-20 - Response

Dear ,

Our Ref: FOI-078-20

Thank you for your email to the Electoral Commission dated 9 June 2020 and received by the Commission on 10 June 2020.

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 shown below followed by our response.

I understand that the Electoral Commission has made enquiries into the admissibility as a donor to the Brexit Party of Christopher Harborne, it's largest single donor.

Please let me have any correspondence, records of discussions or reports related to this matter and an explanation of the basis on which Mr Harborne, whose main residence is overseas, qualified as a political donor.

Our response is as follows:

We hold the information you have requested.

As you will see from the information contained in the correspondence, we made enquiries into whether Mr Harborne was a permissible donor at the time of donating to the Brexit Party. We concluded that Mr Harborne qualifies as a permissible donor.

Under section 54 of the Political Parties, Elections and Referendums Act 2000 (PPERA), registered parties must only accept donations from certain sources, these are:

- An individual registered on a UK electoral register, including overseas electors and those leaving bequests.
- Most UK-registered companies.
- A Great Britain registered political party.
- A UK-registered trade union.
- A UK-registered building society.
- A UK-registered limited liability partnership (LLP) that carries on business in the UK.
- A UK-registered friendly society.
- A UK-based unincorporated association that carries on business or other activities in the UK.

Parties can also accept donations from some types of trust, and from certain public funds.

Under section 141 of PPERA, UK citizens living abroad can apply to be an overseas voter if they have been registered to vote as a resident in the UK in the last 15 years and are eligible to vote in UK Parliamentary general elections.

British citizens living overseas became eligible to register under The Representation of the People Act 1985. Originally, they could register for 5 years in the constituency in which they were last registered. This was later extended to 20 years by the Representation of the People Act 1989, and then reduced to 15 years by PPERA.

We found that Mr Harborne is currently registered as an overseas elector and is eligible to vote in UK Parliamentary elections. This means that he is a permissible donor.

We have released all documents we hold relevant to your FOI request; they include emails between The Brexit Party and the Commission regarding the permissibility of Mr Harborne as well as internal correspondence on this matter. The emails show that we were not originally supplied with the name of the local authority he was registered with. When this information had been provided, we concluded that Mr Harborne is an overseas elector and is therefore a permissible donor.

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. For instance, we have redacted personal information including Mr Harborne's home address and names of Electoral Commission staff members in compliance with the General Data Protection Regulation and section 40 of the Freedom of Information Act. We have also redacted information relating to matters outside of this FOI request; we ask for your understanding in this regard.

To access the documents we have disclosed, you will need to use our secure document sharing system, Objective Connect:

You will receive an 'Invitation to Objective Connect Email Notification' (sent to the inbox of). This notification will contain a link to enable you to start accessing your information. Please find below details on how to access the specific area we have set up for your documents.

- 1. Click on the link in the email.
- 2. You will be prompted to set up your username and password. Your username will be your email address, and your password can be whatever you like.
- 3. With your username and password, enter both details at the login screen and click 'login'.
- 4. You will now see your personal page, which will show the Share 'FOI 078-20'
- 5. By clicking on the name of the share, you will find your documents.
- 6. You may view any of these documents
- 7. In addition you may download a copy to your personal computer by selecting the 'download' option and then 'save'.

This service will be closed 1 month from our response date, this is 3 August 2020, at 5pm.

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: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-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 Officer FOI@electoralcommission.org.uk

The Electoral Commission electoral commission.org.uk

From:
To: John Franks

Cc:
Subject: The Brexit Party Q2 permissibility checks CCM:0488105

Date: 23 August 2019 18:00:11

Attachments: Brexit Party Q2 2019 Permissibility checks.xlsx

Hi John,

I've attached the permissibility checks for TBP Q2 donations. I've added comments where I have emailed the councils to confirm whether individuals were on the register, either because we haven't got all the updates or because they weren't found in our original checking.

I haven't emailed Council (the likely authority for the postcode situation that spoke to you about) as I thought it was worth waiting until we had had some confirmation from The Brexit Party as to what the correct address definitely is.

I'm off on Tuesday but I'm sure if you have any questions about this you in.

Have a nice bank holiday weekend!

Financial Reporting Adviser
The Electoral Commission
electoralcommission.org.uk

Donee	Donor Status	Value	Donor Name	Company no.	Donor Address	Town/ City	Postcode /	ocal Authority	1st Check	Permissible	2nd Check	Permissible	Additional Notes
The Brexit			Christopher		E			E					Confirmed with Local Authority - overseas
Party	Individual	Various	Harborne	N/A						?? - need more	info 💮	Y	elector

From: John Franks

Sent: 02 December 2019 11:27

To: Majella La Praik
Cc: Dan Adamson

Subject: RE: Christopher Harborne donations CCM:0058881

Hi Maj

After sending the e-mail to you, I rang Mehrtash and thanked him for the response. In addition to the response in his e-mail, he also explained that in Thailand, Mr Harborne, as a businessman, is required legally to adopt a local name, hence the confusion arising from The Times article (I have not verified if this is correct).

I also said that I would consider his e-mail response and would get back to him if I have any further questions.

John

From: Majella La Praik

Sent: 29 November 2019 10:02

To: John Franks **Cc:** Dan Adamson

Subject: RE: Christopher Harborne donations CCM:0058881

Thanks John. I think at this stage, please can you go back thanking him for providing the information and so promptly.

Ta, Maj

From: John Franks

Sent: 28 November 2019 15:50

To: Majella La Praik
Cc: Dan Adamson

Subject: FW: Christopher Harborne donations CCM:0058881

Maj

As I am off tomorrow, I thought you should see the e-mail chain between myself and Mehrtash Azami, the Brexit Party treasurer.

John

From: Mehrtash A'zami

Sent: 28 November 2019 15:35

To: John Franks

Subject: Re: Christopher Harborne donations CCM:0058881

Dear Mr Franks,

As per our follow-up telephone conversation yesterday I can confirm that Mr Harborne's identity is NOT in doubt nor has it ever been. I have performed KYC with him in-person furthermore information provided by our bank confirm has confirmed he is the remitter by way of name and address match.

He has been a long-standing donor to the Conservative Party from 2001 - 2019 and donated to the Brexit Party in the same quarter (Q3) as he did the Conservative Party.

I trust other parties are also subject to this rigorous scrutiny.

Yours sincerely,

Mehrtash A'zami

On Thu, 28 Nov 2019 at 13:25, John Franks Dear Mehrtash

wrote:

The question that I am asking is different to the ones I asked you previously about this donor.

The question I raised yesterday is in relation to The Times article from Tuesday that looked at a Thai businessman who appears to have the same CV as Mr Harborne. So my question is still about how you ascertained that Mr Harborne was indeed the true source of the donations.

Although you say that you have completed the checks, you have not said what these checks were. Please, therefore, detail the checks that you carried out to confirm that the donations came from Mr Harborne and not from another source using his name.

Yours sincerely

John Franks

From: Mehrtash A'zami

Sent: 27 November 2019 14:49

To: John Franks

Cc: Party Secretary <party.secretary@thebrexitparty.org>;

Subject: Re: Christopher Harborne donations CCM:0058881

Dear Mr Franks.

Thank you for your email. This is the *third* time The Electoral Commission have queried this individual donor. I can confirm once again that all checks have been completed to my satisfaction in accordance with PPERA and that Mr Harborne is the source of the donations.

Furthermore we have, in writing, confirmation from his local Electoral Services Officer that he is included on their register which your office have also confirmed to me via email on Fri, Sep 6, 2019.

I also note simultaneous donations from Mr Harborne to The Conservative Party were found to be permissible.

Yours sincerely,

Mehrtash A'zami

On Wed, 27 Nov 2019 at 14:27, John Franks Dear Mehrtash

wrote:

I am writing regarding donations made by Christopher Harborne to the party and the checks that you have done to ensure that the donor is permissible and is the true source of the donations.

You may have seen the following story in The Times yesterday: https://www.thetimes.co.uk/article/christopher-harborne-brexit-partys-bankroller-has-a-thai-doppelgaenger-jnd0v9qdp

In relation to Mr Harborne, could you please detail the checks that you have made to ensure that the donations are from Mr Harborne, that is to say that Mr Harborne is the source of the donations. This will include checks you have made to ensure that the donations have been made by him and not another individual or individuals or an organisation?

Yours sincerely

John Franks

Financial Reporting Manager

The Electoral Commission electoral commission.org.uk

--

Subject: Christopher Harborne donations

Status: Completed Percent Complete: 100%

Date Completed: 28 November 2019

Total Work: 0 hours **Actual Work:** 0 hours

Owner: John Franks

I missed a call from Mehrtash Azami, so called him back at about 16:20, in relation our e-mail correspondence today. MA explained that they had done checks including with he bank.

He also explained that in Thailand, Mr Harborne, as a businessman, is required legally to adopt a local name, hence the confusion arrising from The Times article (I have not verified if this is correct).

I said that I would consider his e-mail response sent to me today and would get back to him if I have any further questions.

From:	
Sent:	19 December 2019 13:41
To:	
Subject:	Donor check

, can you do a permissibility check on the following donor to the Brexit Party:

Mr Christopher Harborne,

John said that you've done this before and know which electoral register to check? The full registers for 2020 are being published this month so you would you mind checking the latest register.

Thanks

Dear Mehrtash,

Thank you for submitting the party's quarter 2 donations and regulated transactions return. These were published on our website today.

We do have a number of concerns with the quarter 2 donation return which appears to contain a number of inaccuracies.

I have listed these below and highlighted the required action for each.

Action: Please confirm whether Mr Harborne is an overseas elector and if so, which Local Authority he is registered with.





Where the Commission has reason to believe that an offence has been committed, we will consider it in line with our <u>Enforcement Policy</u>.

Please submit a full response to this email by Tuesday 3 September. If you have any questions in the meantime please let me know as soon as possible; I will be happy to outline the rules regarding donor permissibility if you think this would be helpful.

Kind regards,

Senior Financial Reporting Adviser

The Electoral Commission

electoralcommission.org.uk

Sent: 15 June 2020 12:39

Subject: RE: Draft email to The Brexit Party

From: John Franks

Sent: 23 August 2019 18:15

To: Louise Edwards ; Majella La Praik ;

Subject: RE: Draft email to The Brexit Party

Ηi

The team have checked all of the donations. Unfortunately, we are missing registers and updates in relation to five of the donations, so won't be able to complete the checks until we get them from the local authorities.

From: Louise Edwards
Sent: 23 August 2019 14:44

To: John Franks Majella La Praik

Subject: RE: Draft email to The Brexit Party

Ηi

And a few comments from me, although the letter looked good. We talked about the possibility of splitting this if we need more time to look at the Q2 return, but ideally to send the whole thing on Tuesday.

Thanks

Louise

From: John Franks

Sent: 23 August 2019 13:51

To: Majella La Praik Louise Edwards

Subject: RE: Draft email to The Brexit Party

Maj

I have added a few comments.

One thing I noticed was that the largest donation that they have accepted gives an address for the donor in Bangkok, Thailand. We do not know from the information given whether the donor (Christopher Harborne) is permissible or not (as he may or may not be registered as an overseas elector). So, we should ask at what address the donor is registered in the UK so that we can be certain of permissibility (and ask how they established permissibility).

On the basis of a lot of missing information from this return, I would also recommend that we go above the usual 25% of checks, and check 100% donations.

From:

Sent: 04 September 2019 14:13

To:

John Franks;

Subject:

RE: Q2, 2019 donations CCM:0336711

have come back and confirmed that Mr Harborne was on their overseas electors register on the date of donation.

Financial Reporting Adviser

The Electoral Commission

electoralcommission.org.uk

From: John Franks

Sent: 04 September 2019 13:50

To:

Subject: RE: Q2, 2019 donations CCM:0336711

Try the following address and post code to locate the LA/electoral roll:



It's from a donation he made to the Tories in 2001.

From:

Sent: 04 September 2019 13:21

To:

Cc: John Franks

Subject: RE: Q2, 2019 donations CCM:0336711

Hi

No full address for Mr Harborne, at least not from looking back at the last few times he's donated to the Conservative Party.

His address on PEF online returns is listed as:

Other Electors

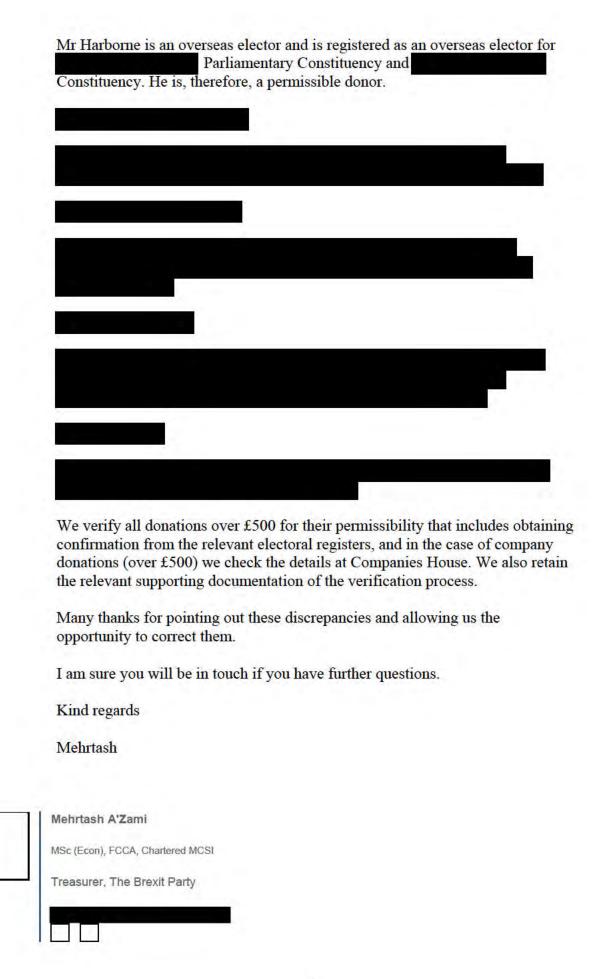
United Kingdom ZZ0 0ZZ

I'll email council now asking them to confirm whether Mr Harborne was registered as an overseas elector at the time of his donation to The Brexit Party.
Financial Reporting Adviser
The Electoral Commission electoralcommission.org.uk
From: Sent: 04 September 2019 12:26 To: Cc:
Subject: RE: Q2, 2019 donations CCM:0336711
Hi Land ,
Thanks for this. Do we have a full address for Mr Harborne anywhere? If he has donated before we should have some details which may make it easier to identify which of the 108 registers to check. If not, then yes, please do contact them directly.
Cheers,
From: Sent: 04 September 2019 11:53
To: Cc: John Franks Subject: RE: Q2, 2019 donations CCM:0336711
Hi
I've gone through the anywhere. 2019 updates and haven't found Christopher Harborne
I wonder whether he might be actually registered in the neighbours and also contains part of the constituency that Mr A'Zami says Mr Harborne is registered in). Additionally, I checked on PEF online and when Mr Harborne also donated to the Conservative Party in Q2 2019, this is the local authority they provided for him.
The 2018 register is divided into 108 area spreadsheet, with overseas electors interspersed in the area registers, so I would rather contact the LA directly than sift through 106 spreadsheets, seeing as we have no UK address details for Mr Harborne that would narrow down the search.

Should I get on and contact (and possibly about Mr Harborne or do you think we should get some further information from The Brexit Party about where they think Mr Harborne is registered and thus how they know that he's permissible?
Cheers
Financial Reporting Adviser
The Electoral Commission electoralcommission.org.uk
From: Sent: 03 September 2019 17:03 To:
Cc: John Franks Subject: FW: Q2, 2019 donations CCM:0336711
Hi All,
We have received a response from the Brexit Party about the incorrect addresses reported in their Q2 return.
I have checked the ones that I can however there are a couple that can't be checked because we don't have the registers.
could you split the list of actions between you please? The actions are listed in red in the email below but for clarity it involves contacting the following LA's:
Cheers,
From: Mehrtash A'zami Sent: 03 September 2019 16:16 To:
Cc: Party Secretary Subject: Q2, 2019 donations

Dear Thank you for your email of August 29th which highlighted some concerns with our Q2 donation return. You highlighted 5 concerns. 1/ Re: Mr Christopher Harborne. Mr Harborne is an overseas elector and is registered as an overseas elector for Parliamentary Constituency and He is, therefore, a permissible donor. Not on the overseas registers for doesn't exist). However, these registers were published in December so Mr Harborne could have registered in 2019. Action: Contact LA

Sent: Subject:	15 June 2020 12:46 RE: UPDATE Q2, 2019 donations CCM:0336723
On Fri, Sep 6, 2019	9 at 4:25 PM wrote:
Dear Mehrtash,	
Thank you for yo	our response, I have a few follow up queries.
Borough	nk you for confirming that Mr Harborne is an overseas elector. Council confirmed that he is registered with them as an overseas elector. We have es in relation to this donation.
	confirm the correct address and postcode. If you are unable to provide an alternative ble to explain how permissibility was checked, we will have to assume this is an onation.
Kind regards,	
From: Mehrtash A' Sent: 03 Septembe	
To: Cc: Party Secretary Subject: Q2, 2019 of	John Franks
De	ear l
	ank you for your email of August 29 th which highlighted some concerns with r Q2 donation return. You highlighted 5 concerns.
1/1	Re: Mr Christopher Harborne.



From: Sent:

04 September 2019 14:14

To:

'Electoral Reg'

Subject:

RE: 04/09/19 Permissibility check CCM:0488126

Dear



Many thanks for getting back to me so quickly and for your confirmation.

Kind regards

Financial Reporting Adviser

The Electoral Commission

electoralcommission.org.uk

From: Electoral Reg

Sent: 04 September 2019 13:47

To:

Subject: RE: 04/09/19 Permissibility check CCM:0488126

Dear

Thank you for your email.

Yes I can confirm that Mr Christopher Harborne was registered as an overseas elector on the given day 4 April 2019.

Kind regards,

Elections Manager

Borough Council

Tel: 01256 845488

×

From

Sent: 04 September 2019 13:29

Tol

Cc: Electoral Reg <ereg

Subject: 04/09/19 Permissibility check CCM:0488126

Dear Manage

I hope this email finds you well.

I am currently running some permissibility checks on political donors and was hoping you could confirm whether the following individual was on your electoral register as an overseas elector on the given day:

Mr Christopher Harborne 04/04/2019

Thank you in advance for your assistance.

Kind regards

Financial Reporting Adviser

The Electoral Commission

electoralcommission.org.uk

Data Protection – personal data you provide to the council will be processed in line with the General Data Protection Regulation (GDPR) and Data Protection Act 2018. For more information on how your information is used; how we maintain the security of your information and your rights, including how to access information that we hold on you and how to complain if you have any concerns about how your personal details are processed, please see our

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From:

Sent: 29 August 2019 16:54

To:

John Franks

Cc:

Subject: RE: Brexit Party Q2 email Draft CCM:0336700

Cheers, I've added the enforcement line. Happy for this to go out?

From: John Franks

Sent: 29 August 2019 16:49

To:

Cc:

Subject: RE: Brexit Party Q2 email Draft CCM:0336700

Hi E

See my additions below. Also, we should add a line about the enforcement policy.

Thanks

John

From:

Sent: 29 August 2019 14:55

To: John Franks

Subject: Brexit Party Q2 email Draft CCM:0336700

Dear Mehrtash,

I am writing concerning The Brexit Party's quarter 2 donation return which appears to contain a number of inaccuracies.

I have listed these below and highlighted the required action for each.

As you are aware, political parties are not permitted to receive funds from individuals who are not registered on the UK electoral roll. We will treat this donation, and any further donations from this donor, as impermissible unless you are able to provide the address at which the donor is registered on a UK electoral roll.

Action: Please confirm whether Mr Harborne is an overseas elector and if so, which Local Authority he is registered with.

From:

Sent: 15 November 2019 13:10

John Franks

To: Cc:

Subject: RE: Permissibility check

John,

We have found Christopher Harborne under December 2018.

' which is part of the Full Register -

Thanks,



Financial Reporting Adviser

The Electoral Commission

electoralcommission.org.uk

From:

Sent: 15 November 2019 12:56 To: John Franks ;

Subject: RE: Permissibility check

Hi John,

Leave it with me, I'll check it out.

Financial Reporting Adviser

The Electoral Commission

electoralcommission.org.uk

From: John Franks

Sent: 15 November 2019 12:41

To:

Subject: Permissibility check

Importance: High

Could one of you check the permissibility of the following donor?

He gave to the party in Q2 and was permissible when we checked. He is an overseas voter and, as such, can remain on the electoral roll in the authority that he was last registered in before moving overseas.

The donations he made were received by the party on the following dates:

09/07/2019

23/08/2019

28/08/2019

His name:

Mr Christopher Harborne

And the relevant local authority is

John Franks

Financial Reporting Manager

The Electoral Commission

electoralcommission.org.uk

From:

John Franks

Sent:

24 September 2019 13:07

To:

Cc:

Mathias Rosengren

Subject:

RE: The Brexit Party - Q2 Donation Return

Can you update me on where we got to with the following:

- C0406501 Mr Christopher Harborne did we confirm that he was on an electoral roll?
- _____

And are the other details correct?

Many thanks

John



- thanks for this. Please go ahead and ask the party for any missing information you need for publication.

From:

Sent: 19 August 2019 10:27

To: Majella La Praik Cc: John Franks

Subject: RE: Q2 - The Brexit Party

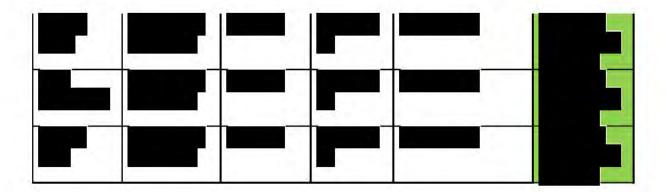
Hi Majella,

Last week you asked me to take a close look at the Brexit Party's Q2 return and identify any compliance issues.



Donor name	Donor Type	Value	Receive d Date	Accepted/Retur ned Date	Issue
Mr Christoph er	Individual	£200,000.	04/04/20 19	04/04/2019	No issue, accepted on 0 days.

Harborne,			



Cheers,



From: Majella La Praik Sent: 15 August 2019 16:20

To:

Subject: Q2 - The Brexit Party



We discussed that you would have a look at the Q2 return from The Brexit Party and identify any potential compliance issues. Could you put a list together by close on Tuesday? If that's not realistic then let me know ASAP.

Ta, Maj

Majella La Praik

Interim Head of Registration and Reporting

The Electoral Commission 020 7271 0693

electoralcommission.org.uk