[redacted]

From: FOI
Sent: 27 September 2017 14:22
To: [redacted]
Cc: FOI
Subject: RE: FOI 110/17 Correspondence NI Donations and Donors Acknowledgement - Response
Attachments: NI confidentiality announcement letter.docx; 1.11 Queries email 24-07-17.pdf; 1.10 Political Party Donations email 04-07-17.pdf; 1.09 Clarification email 26-06-17.pdf; 1.08 Query email 27-06-17.pdf; 1.07 Mailing List email 04-08-17.pdf; 1.06 Queries email 28-06-17.pdf; 1.05 Publication of financial donations + party spending email 21-06-17.pdf; 1.04 Donations email 13-06-17.pdf; 1.03 Donations email 12-06-17.pdf; 1.02 Queries email 20-09-17.pdf

Dear [redacted],

Our Ref: FOI 110/17

Thank you for your email to the Electoral Commission dated **4 July 2017**.

The Commission aims to respond to requests for information promptly and regrets that on this occasion we have not done so within the statutory timeframe of twenty working days.

You have requested:

Could you please provide me a copy of all written correspondence and emails (sent and received), as well as memos and minutes of meetings, during the last six months (or the longest time period possible to comply with cost and time exemptions) that make reference to the publication of donor details of political donations in Northern Ireland.

On 13 August 2017 you provided clarification to your request following further correspondence from the Commission. Your clarification is below in bold:

Further to your previous email, could I get the donor details and correspondence with parties related to donations in Northern Ireland and any discussions around the Commission and other stakeholders around the plans and development of policy in relation to the future publication of political donations in Northern Ireland.

Our response is as follows:

The information you have requested has already been made available on the Commission's website in response to a similar FOI. You can access the documents on this link FOI 88/17 FOI seeking information and correspondence on the publication of donations to political parties in Northern Ireland.

As well as the documents released in response to FOI 88/17, we are making available additional documents from between the date of FOI 88/17 and the date of your request.

The Commission also holds information which is relevant to your request but which we consider to be exempt from disclosure under the FOI Act. This information falls into the following categories:

- Information which involves or relates to discussions between staff of the Electoral Commission and UK Government officials about the issue of donations to political parties in Northern Ireland. Disclosing this information would inhibit the free and frank provision of advice between the Electoral Commission and the UK's various governments in future, and which is therefore exempt from disclosure under s36(2)(b)(i) of the FOI Act.

- Information which involves or relates to communications between lawyers and other staff at the Electoral Commission which is subject to legal professional privilege, and which is therefore exempt from disclosure under s42 of the FOI Act.

- Information relating to donations to which the current statutory prohibition on publication applies (under s71E of the Political Parties, Elections and Referendums Act 2000), and which is therefore exempt from disclosure under s44(1)(a) of the FOI Act.

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: http://www.ico.gov.uk

Yours sincerely,

[redacted]

Information Management Adviser

The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

www.electoralcommission.org.uk

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The Electoral Commission

To: All Party Treasurers
Northern Ireland Registered Political Parties

By email

3 July 2017

Dear Party Treasurer

Changes to the confidentiality rules on donations and loans to Northern Ireland political parties and regulated donees made from 1 July 2017

The UK Government announced on 3 July that it will bring forward legislation to allow the Electoral Commission to publish details of some donations and loans made to Northern Ireland parties and regulated donees (members of political parties, members associations and holders of elective office such as MPs, MEPs, MLAs and councillors).

Under the Political Parties Elections and Referendums Act 2000, it is currently unlawful for the Electoral Commission to disclose any information reported to us about donations and loans made to Northern Ireland parties and regulated donees.

Once the new legislation is passed, details of donations received and loans entered into by parties and regulated donees from 1 July 2017 and reported to the Electoral Commission will be published on our website. We expect the first publication of this information to be autumn 2017.

We will publish a factsheet after the draft legislation is published, and publish amended guidance once the law has changed. You should check our website regularly to make sure you are aware of when the new rules come into force and for further updates.

The Electoral Commission
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pef@electoralcommission.org.uk
www.electoralcommission.org.uk

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POSITIVE ABOUT DISABLED PEOPLE

The Electoral Commission

We will write to you again when we have more information. In the meantime, if you have any queries please contact us at pef@electoralcommission.org.uk.

Kind regards

[redacted]

Ann Watt
Head of Electoral Commission, Northern Ireland
Ground Floor, 4 Cromac Place
The Gasworks
Belfast BT7 2JB
Tel: [redacted]

[redacted]

From: Ann Watt
Sent: 24 July 2017 16:12
To: [redacted]
Subject: RE: Queries

Hi [redacted]

I've asked a colleague about the recording of PDG repayments, and will get back to you about that ASAP.

On donations guidance, the best document I can suggest is Overview of donations to political parties (NI) . This sets out the rules on permissibility and the reporting requirements. There is further guidance about donations and loans here if you require more detail.

The only change following the Secretary of State's recent announcement about transparency is that the information reported to us about donations and loans will be published, in the same way that it is in GB. This will apply to donations and loans made from 1 July 2017. None of the other rules about donations and loans are changed by the recent announcement about transparency.

I hope this helps, but if it isn't what you need then let me know.

Best wishes

Ann

Ann Watt
Head of Electoral Commission, Northern Ireland
Ground Floor, 4 Cromac Place
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Tel: [redacted]
Fax: [redacted]
Textphone: [redacted]

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From: [redacted]
Sent: 19 July 2017 14:32
To: Ann Watt
Subject: Queries
Importance: High

Good afternoon Ann – I have a couple of queries and I wonder if you could help me or point me in the right direction please?

The subject of Donations and Loans was discussed at a recent Party meeting and I was directed to furnish all of our Accounting Unit Chairmen and Treasurers with a copy of the 'Fools Guide' on your website to ensure that they are reminded and fully aware of their responsibilities in this regard. I have had a look and so far the only thing I can find is the guide for Parties with Accounting Units but I'm not sure if that is the right thing for them. Can you confirm, or advise if there is a more suitable alternative document please?

Secondly, [redacted]

Please do not hesitate to give me a call if you want to discuss this.

Thank you

[redacted]

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[redacted]

From: Ann Watt
Sent: 04 July 2017 15:03
To: [redacted]
Subject: Re: Political Party Donations

[redacted]

The thresholds are unchanged. The only change is that the Commission will publish the reports we receive of donations and loans received from 1 July 2017 onwards.

Hope that helps but if not let me know.

Ann

Sent from my iPhone

On 4 Jul 2017, at 14:34, [redacted] wrote:

> **Ann**
>
> **Following the announcement by the SoS yesterday can you confirm that threshold for reporting to the Commission for both the Party centrally and for local Associations.**
>
> **Many thanks**
>
> [redacted]

[redacted]

From: Ann Watt
Sent: 26 June 2017 16:43
To: [redacted]
Subject: RE: Clarifications please

Dear [redacted]

I don't know why those documents display in a different format from the other ones on our website. Thank you for pointing that out; we will look into it.

The main differences in the Northern Ireland donations and loans regime compared to the Great Britain regime are:

- a requirement on the Electoral Commission to keep details of donations to Northern Ireland parties reported to it confidential. Legislation makes it a criminal offence for a member or employee of the Commission to disclose any information about donations reported to it;
- a duty on the Commission to verify the permissibility of donors reported to it (there is no equivalent requirement placed on the Commission for donations reported by GB parties); and
- certain Irish sources are included as permissible donors to Northern Ireland parties. These are essentially the same as their UK equivalent but the reporting requirements evidencing permissibility are more onerous in some cases.

The Northern Ireland (Miscellaneous Provisions) Act 2014 gave the UK Government the power to create secondary legislation to enable the publication of information about donations and loans to Northern Ireland parties. This secondary legislation has not been put in place yet, so the current rules on confidentiality still apply. If proposed and passed by the UK Government, this secondary legislation could give the Electoral Commission the power to begin publishing information about donations to political parties in Northern Ireland. As it is, the Commission is still barred from publishing this information.

The Electoral Commission has long called for transparency in funding to political parties in NI. In our report on the 2016 Northern Ireland Assembly election, published in September 2016, we repeated our call for transparency of donations and loans reported by NI political parties. See: https://www.electoralcommission.org.uk/__data/assets/pdf_file/0013/215041/2016-NI-Assembly-election-report.pdf (recommendation 10)

On 4 January 2017 the UK Government wrote to the political parties in Northern Ireland seeking views on whether the time is now right to move to full transparency. We are waiting to hear the outcome of this consultation with the parties, and whether the Government intends to bring forward secondary legislation to allow the Commission to publish information about donations and loans reported by Northern Ireland parties.

Regards

Ann

From: [redacted]
Sent: 26 June 2017 14:34
To: Ann Watt
Subject: Clarifications please

Hi Ann,

Me again. I've now read the documents at the link you gave (which curiously, by contrast to the documents covering the rest of the UK, cannot be copied, highlighted, annotated or transferred into another programme - why is this, do you know?). But I remain confused about the law concerning the confidentiality of donations. On your page it says:

“The Northern Ireland (Miscellaneous Provisions) Act became law on 13 March 2014. The Act changes the rules on confidentiality of donations and loans to Northern Ireland political parties and regulated donees. The current rules will apply until secondary legislation is passed.”

But what are "the current rules"? Nowhere on your site can I find a summary or explanation of them. Perhaps it's there and I have missed it. Is the meaning of this paragraph that the act doesn't apply until secondary legislation is passed? Or that "the current rules" are those contained within the act, and they will change with the passage of secondary legislation, amending the act?

In either case, I think the phrasing on your site is confusing.

Thanks very much.

All the best, [redacted]

From: Ann Watt [mailto:[redacted]@electoralcommission.org.uk]
Sent: 26 June 2017 11:35
To: [redacted]
Subject: Query

Dear [redacted]

The Electoral Commission’s guidance about donations and loans to political parties in Northern Ireland is below. The Overview document is probably the most helpful introduction.

https://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/reporting-donations-and-loans-northern-ireland

If you require any further information about the rules then please let me know and I will try to help.

I will send you answers to your questions about a possible Commission investigation as soon as I can.

Regards

Ann Watt

Ann Watt
Head of Electoral Commission, Northern Ireland
Ground Floor, 4 Cromac Place
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[redacted]

From: Ann Watt
Sent: 27 June 2017 11:52
To: [redacted]
Subject: RE: Query

[redacted] – see responses below (your questions in bold, our answers in italics):

Why hasn't the EC investigated it? Is this a breach of your statutory duties? And how did you respond to the complaint from Lady Hermon?

We are satisfied that the Commission has fulfilled its statutory duties in this case.

We responded to the issues raised in Lady Hermon's letter of 27 June 2016. We do not disclose private correspondence but Lady Hermon would be free to do so if she wished.

The law prevents the Commission disclosing any information about donations to political parties in Northern Ireland. We have therefore said all we are able to say on this matter. For many years the Commission has recommended that the law be changed to provide transparency around donations to political parties in Northern Ireland in order to enable full public scrutiny.

What would happen if the Electoral Commission discovered that one of the campaigns for the referendum broke electoral rules? To whom would any penalty apply? Do the campaigns still exist as legal entities? If so, would they be expected to pay any fines imposed? Which individuals would be responsible for paying those fines?

PPERA generally says who is liable for an offence, be it an individual or an organisation such as a permitted participant. Liability for an offence, and any sanction, is not affected by any subsequent change to the status of an organisation, although the Commission may consider the current status of that organisation as part of its decision as to how most effectively to impose a penalty.

If a campaign group receives more money than its spending limit allows it to use, is it legally entitled to give the surplus to another campaign group pursuing the same outcome in a referendum?

There is no restriction in PPERA on campaigners donating to other campaigners.

Regards

Ann

From: [redacted]
Sent: 27 June 2017 09:55
To: Ann Watt
Subject: RE: Query

Hi again Ann,

One more please. A technical question this time. If a campaign group receives more money than its spending limit allows it to use, is it legally entitled to give the surplus to another campaign group pursuing the same outcome in a referendum?

Thanks very much,

[redacted]

From: [redacted]
Sent: 27 June 2017 04:56
To: 'Ann Watt' [redacted]@electoralcommission.org.uk>
Subject: RE: Query

Hi Ann,

Thanks, but this doesn't address my questions. This looks like as clear a case of violation as you could get. So why hasn't the EC investigated it? Is this a breach of your statutory duties?

And how did you respond to the complaint from Lady Hermon?

Thank you,

All the best, [redacted]

From: Ann Watt [mailto[redacted]@electoralcommission.org.uk]
Sent: 26 June 2017 18:01
To: [redacted]
Subject: RE: Query

Dear [redacted]

Donation returns are made by political parties to the Commission every quarter. By law information about donations to Northern Ireland parties is kept confidential. However, the Commission does permissibility checks on all donations to Northern Ireland parties. We will contact parties if we have any concerns about the verification of a donation and ask what checks the party did. If we suspect an impermissible donation has been received then we will take action in line with our enforcement policy.

I hope this is helpful.

Ann

From: [redacted]
Sent: 26 June 2017 14:45

To: Ann Watt
Cc: [redacted]
Subject: RE: Query

Thanks for your reply Ann.

I have to say that I'm extremely surprised that this is not something the Electoral Commission has investigated or is investigating. [redacted] This seems on the face of it, speaking as an uninformed layman, to be a major breach of electoral law.

Why would you not wish to pursue this matter?

Did the commission consider the case for investigating this donation? If so, why did you decide not to proceed?

If it did not consider the case, why not?

Would it be fair to accuse the commission of a breach of its statutory duty and of its duty of care towards the electorate, as a result of this failure to investigate?

On 27th June last year, Lady Sylvia Hermon wrote to the commission questioning this donation and the way in which the money was spent. In February, she announced her intention to pursue these enquiries further with you. Have you taken up her request, and what has the outcome been?

I have sent a further query, concerning the interpretation of the rules, which you should now have.

Thanks very much for your help with this.

All the best, [redacted]

From: Ann Watt [mailto:[redacted]@electoralcommission.org.uk]
Sent: 26 June 2017 14:14
To: [redacted]
Subject: RE: Query

Dear [redacted]

You asked "Has the Commission investigated the [redacted] to the DUP which was used to fund its EU referendum activities?"

See answer below:

We can confirm that we are not currently conducting any investigations in respect of donations to the DUP. The Commission is legally bound to retain confidentiality about donations to political parties in Northern

Ireland. Whether parties or donors choose to make this information available is a matter for them. In that event, the Commission remains bound by this legal requirement for confidentiality and would therefore be unable to comment specifically about any donation.

The Electoral Commission has consistently called for increased transparency on how political parties are funded in Northern Ireland. Such a move will only help to increase public confidence in the democratic process.

I hope this is helpful.

Ann Watt

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From: [redacted]
Sent: 26 June 2017 11:45
To: Ann Watt
Subject: RE: Query

Many thanks Ann.

[redacted]

From: Ann Watt [mailto:[redacted]@electoralcommission.org.uk]
Sent: 26 June 2017 11:35
To: [redacted]
Subject: Query

Dear [redacted]

The Electoral Commission's guidance about donations and loans to political parties in Northern Ireland is below. The Overview document is probably the most helpful introduction.

https://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/reporting-donations-and-loans-northern-ireland

If you require any further information about the rules then please let me know and I will try to help.

I will send you answers to your questions about a possible Commission investigation as soon as I can.

Regards

Ann Watt

Ann Watt
Head of Electoral Commission, Northern Ireland
Ground Floor, 4 Cromac Place
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[redacted]

From: [redacted]
Sent: 04 August 2017 15:18
To: [redacted]
Subject: RE: Mailing list

Hi [redacted]

Apologies for the delay in responding. As I mentioned a few people were on leave who I needed to double check things with. Thanks for your patience.

I have already sent you the 2007 and 2008 SDLP accounts – if you need any further information or other older accounts let me know.

With regards to your queries I can confirm that the Commission has never conducted an investigation into the SDLP or Sinn Féin regarding their donations.

With regards to Friends of Sinn Féin – we are aware of the recent media article in the Irish Times that referred to the information you provided from FARA. All of this information was considered, in line with our enforcement policy, and we did not find it necessary to open an investigation into this.

[redacted]

From: [redacted]
Sent: 26 July 2017 12:52
To: [redacted]
Subject: RE: Mailing list

Hi [redacted]

I hope all is well. I have a request and a couple of queries that I hope you can help me with.

I'm looking for a copy of annual financial accounts for the SDLP for 2007 and 2008 as they don't appear to be available online?
They are listed but not available for download. Maybe they are only available in hard copy for inspection?

Also I've a couple of questions that stem from returns filed by fundraising organisations, like SDLP USA, with the US Department of Justice.

[redacted]

Given this information I've a couple of questions for the Commission, as follows:

- Can the Commission confirm if it investigated donations or monies paid in 2007 and / or 2008 from the US to the SDLP? And if so what was the outcome of any such investigation?

- Can the Commission confirm if it has ever investigated the SDLP over donations, funds received, or payments made on behalf of the party from the US or elsewhere? And if so can the Commission provide details of that investigation and outcome?

[redacted]

In light of this information I've a few questions for the Commission, as follows:

- [redacted]
- Can the Commission confirm if it has ever investigated Sinn Fein over donations, funds received, or payments [redacted]

[redacted] I realise there's a few questions here but appreciate if we can get a response by close of Monday if possible.

If you've any questions about any of the above please get back to me.

Best regards,

[redacted]

This e-mail, and any attachment, is confidential. If you have received it in error, please delete it from your system, do not use or disclose the information in any way and notify me immediately. The contents of this message may contain personal views, which are not the views of [redacted] unless specifically stated.

[redacted]

From: [redacted]
Sent: 30 June 2017 13:51
To: [redacted]
Subject: RE: Mailing list

Thanks [redacted] – feel free to get in touch if you need anything

[redacted]

From: [redacted]
Sent: 30 June 2017 12:06
To: [redacted]
Subject: Mailing list

Hi [redacted]

Just touching base in relation to the media mailing list – appreciate if you can add my details to receive all releases and notifications from the Commission.

I'm working on a couple of stories and may have some questions for the Commission down the road.

Will be in touch.

Best regards,

[redacted]

[redacted]

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[redacted]

[redacted]

From: [redacted]
Sent: 28 June 2017 11:09
To: [redacted]
Subject: FW: Queries

[redacted]

Apologies for delay in responding – as always happy to discuss

[redacted]

-----Original Message-----
From: [redacted]
Sent: 12 June 2017 15:32
To: [redacted]
Subject: Queries

Hi [redacted]

I'm actually out of the office this week, but there were a few questions my editor had asked me to chase up. See queries below:

- When will details of NI party expenditure during the March 2017 NI Assembly be published by the commission?

We plan to publish these by the end of July.

- When will the latest annual accounts of Northern Ireland's political parties be published ?

We plan to publish these accounts before the end of the summer.

- Political parties were meant to provided details to the commission of their donations on a weekly basis in the lead up to the June 2017 general election . Can you provided details of what NI parties either provided this info late or not at all during this period?

Any parties who submitted late returns will be considered in line with our enforcement policy. We will publish information on late submissions in due course.

- With specific reference to the current Stormont talks, can the commission provide me with an up to date statement regarding what it understands to be the current position relating to the potential lifting of the ban on naming donors to political parties in Northern Ireland?

Any announcement on changes to the regulatory framework for the reporting of donations and loans in Northern Ireland will be made by the Secretary of State for Northern Ireland. The Commission has consistently called for greater transparency in Northern Ireland and we would like to see such changes made in the future.

- Can the commission please outline what must happen for the ban on naming political party donors to be lifted in NI?

The Secretary of State for Northern Ireland would need to introduce secondary legislation to make changes to the current prohibition on publishing information that parties report about donations and loans.

- Does the commission believe that if the ban is lifted on political party donations in NI, that it should be retrospective e.g. Provide details back to January 2014?

The Northern Ireland (Miscellaneous Provisions) Act 2014 makes clear that any donations received after 1 January 2014 could be made public in the future. We would welcome any move to introduce greater transparency going forward and also believe that information on donations received since January 2014 should also be published as soon as practical.

- Can the commission also provide me with a statement outlining what practical role it would play if the Secretary of State did decide to lift the ban on naming political party donors in NI?

The Secretary of State for Northern Ireland has a statutory duty to consult with the Electoral Commission on any legislation relating to donations and loans. We are also in regular communication with NIO officials on a range of issues providing advice and guidance where we can.

Thanks

Sent from my iPhone

[redacted]

From: [redacted]
Sent: 21 June 2017 10:22
To: [redacted]
Subject: RE: Publication of financial donations/party spending

Hi [redacted]

Candidates in Northern Ireland are required to submit an expenses returns to the Chief Electoral Officer for Northern Ireland after each election. As you highlight it should include information on donations received over £50 and the confidentiality rules do not apply.

This information is available for public inspection at the Electoral Office for Northern Ireland. Unfortunately it isn't available online (we have recommended that it should be). To make an appointment to view candidate returns you should contact the Electoral Office on 02890446688.

You might find our guidance to candidates on campaign spending helpful: https://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/224943/Candidate-guidance-UKPGE-2017-Northern-Ireland.pdf

In terms of dates:

UK general election 2017

- Candidate returns must be submitted to the Chief Electoral Officer by Friday 14 July. They will be available for public inspection soon after this date. You should contact the Electoral Office to make an appointment to view these once the deadline has passed.
- Parties who spent under £250k have to return their campaign spending return to the Commission by 8 September. If they spent over £250k then the return must be made by 8 December. There is no date yet for the publication of these returns.

Northern Ireland Assembly election 2017

- Candidate returns are available for public inspection. You should contact the Electoral Office to make an appointment to view these.
- Parties who spent under £250k had to return their Assembly campaign spending return by 2 June. We expect to publish these in late July/ early August.

Northern Ireland Assembly election 2016

- Candidate returns are available for public inspection. You should contact the Electoral Office to make an appointment to view these.
- The party returns are on website: http://search.electoralcommission.org.uk/Search/Spending?currentPage=1&rows=20&sort=TotalExpenditure&order=desc&tab=1&open=filter&et=pp&evt=northernirelandassembly&ev=2510&optCols=ExpenseCategoryName&optCols=AmountInEngland&optCols=AmountInScotland&optCols=AmountInWales&optCols=AmountInNorthernIreland&optCols=DatePaid (if you enter each party name into the 'search for' bar then you can view spending for each individual party)

Information on donations received are only included on candidate returns as required under the RPA 1983. We are prohibited from publishing information on donations received by political parties.

Hope this is helpful.

[redacted]

From: [redacted]
Sent: 20 June 2017 17:20
To: [redacted]
Subject: Publication of financial donations/party spending

Hi [redacted]

I have some queries around dates for the publication of financial donations/party spending following on from the General Election and Northern Ireland Assembly elections.

Most of it centres on the expected dates of publications for various things (although some may have already been published in which case it would be great if you could send on links).

- I am aware that, under the 1983 Representation of the People Act that candidates are required to provide details of all donations exceeding £50. I would like to find out when and where this information is publised for the following elections.
    - The 2017 General Election
    - NI Assembly Election 2017
    - NI Assembly Election 2016
- Just to make sure: do these publications includes the name of the donor as well as the amount?
- When will a) donations and b) spending for the NI Assembly Election 2016 be published?
- Similarly when will a) donations and b) spending for the NI Assembly Election 2017 be published?

If I could get this from you by tomorrow evening it would be great.

Thanks for your time as always.

[redacted]

--

[redacted]

[redacted]

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[redacted]

[redacted]

From: [redacted]
Sent: 13 June 2017 11:32
To: [redacted]
Subject: FW: Donations

Hi [redacted]

Here is our line on this as discussed:

"The Commission is legally bound to retain confidentiality about donations to political parties in Northern Ireland. Whether parties or donors choose to make this information available is a matter for them. In that event, the Commission remains bound by this legal requirement for confidentiality and would therefore be unable to comment specifically on your query.

However we can confirm that we are not currently conducting any investigations in respect of donations to the DUP.

The Electoral Commission has consistently called for increased transparency on how political parties are funded in Northern Ireland. Such a move will only help to increase public confidence in the democratic process".

For background on the confidentiality rules:

Section 71e of the Political Parties, Elections and Referendum Act 2000 sets out the duty not to disclose the contents of donation reports in Northern Ireland. Section 1 states that a person who is or has been a member or employee of the Commission must not disclose **any** information which relates to a donation received by a Northern Ireland recipient and has been obtained by the Commission in the exercise of their function. Confirming or not confirming a donation has been checked in Northern Ireland would be a breach of the law and the person who contravenes it would be guilty of an offence.

Hope this is helpful
[redacted]

[redacted]
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[redacted]

From: [redacted]
Sent: 13 June 2017 11:32
To: [redacted]
Subject: FW: Donations

Hi [redacted]

Here is our line on this as discussed:

"The Commission is legally bound to retain confidentiality about donations to political parties in Northern Ireland. Whether parties or donors choose to make this information available is a matter for them. In that event, the Commission remains bound by this legal requirement for confidentiality and would therefore be unable to comment specifically on your query.

However we can confirm that we are not currently conducting any investigations in respect of donations to the DUP.

The Electoral Commission has consistently called for increased transparency on how political parties are funded in Northern Ireland. Such a move will only help to increase public confidence in the democratic process".

For background on the confidentiality rules:

Section 71e of the Political Parties, Elections and Referendum Act 2000 sets out the duty not to disclose the contents of donation reports in Northern Ireland. Section 1 states that a person who is or has been a member or employee of the Commission must not disclose **any** information which relates to a donation received by a Northern Ireland recipient and has been obtained by the Commission in the exercise of their function. Confirming or not confirming a donation has been checked in Northern Ireland would be a breach of the law and the person who contravenes it would be guilty of an offence.

Hope this is helpful
[redacted]

[redacted]
The Electoral Commission, Northern Ireland
Ground Floor, 4 Cromac Place
The Gasworks
Belfast BT7 2JB
[redacted]
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Twitter | **Facebook** | **Blog**

[redacted]

From: [redacted]
Sent: 13 June 2017 11:32
To: [redacted]
Subject: FW: Donations

Hi [redacted]

Here is our line on this as discussed:

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[redacted]

From: [redacted]
Sent: 20 September 2017 13:08
To: [redacted]
Subject: FW: Two queries

From: [redacted]
Sent: 13 June 2017 14:55
To: [redacted]
Subject: RE: Two queries

Hi [redacted], as the party is likely to have had an income and / or expenditure over £250,000 in 2016, they don't need to report their accounts to us until the end of July and we'll publish after that. No confirmed date as yet.

Kind regards, [redacted]

From: [redacted]
Sent: 12 June 2017 18:57
To: [redacted]
Subject: Re: Two queries

Hey [redacted] - one last one for today.
I am wondering when the DUP accounts for 2016 will be published? (here's the 2015 report).
[redacted]

On 12 June 2017 at 15:56, [redacted] wrote:

Hi [redacted], thanks.

Re. your two queries.

1) We will have two publications for spending at the General Election (under and above £250k).

Political parties that spent under £250,000 at the General Election have until Friday 8 September to submit their returns to us. Parties that spent over £250,000 have until Friday 8 December to submit their returns to us. We have not made a decision as to publication dates as yet. If you look at what we did following the 2015 General Election and the EU Referendum, we typically publish returns around 8 weeks after we have received them.

2) With regards to assessments / investigations being made by the Electoral Commission. Our most recent statement that we issued was to announce that we were formally investigating the Leave.EU spending return which you can see here:

https://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/electoral-commission-statement-on-investigation-into-leave.eu

When we first published the spending returns at the end of February, we said in our press release which you can see below, which spending returns we were considering. There's no update with regards to what's in the release.

https://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-donations/details-of-major-campaign-spending-during-eu-referendum-published-by-electoral-commission

And with regards to other campaigners, examining their spending returns is an on-going process, there's no update on that process. If I'm made aware of any updates, I'll let you know.

Cheers, [redacted]

From: [redacted]
Sent: 12 June 2017 13:14
To: [redacted]
Subject: Two queries

Hi [redacted]

Firstly, [redacted] thanks for coming back to me on the [redacted] issue last week. I know what a busy week it must have been so I greatly appreciate you clearing that up.

I have two queries for you, the first of which is very straightforward, the other less so (I wasn't sure which office I should address, hence my emailing you both on this).

1. I want to find out when the party spends on GE 2017 will be published and if they will be done in two separate batches as they were for the EU referendum (i.e. under and above £250,000)?

2. In February I wrote to you about the DUP's spending on an organisation called Aggragate IQ in the EU Referendum (the email chain is below). The company was also used by Vote Leave, Darren Grimes and Veterans for Britain in their campaigns.

I asked at the time if the EC had examined these spends to see if they contravened 'working together' rules at which time [redacted] sent me the following response:

"For 'working together' rules to apply, and for there to be an allocation of reportable campaign spending, there needs to have been spending in accordance with a common plan or arrangement between the campaigners.

"We are examining campaigners' spending returns to ensure that they are complete and accurate. Should we find evidence that spending should have been reported by any campaigners, we will consider it in line with our enforcement policy."

I would now like to find out if the EC have examined the spending by the aforementioned organisations, whether any enquiries/investigation has taken place (or will take place) and, if complete, what conclusions were reached.

Also, in its examination of the spending returns of the DUP (and indeed the other bodies), did the EC find any evidence to suggest that the returns were not complete and accurate? If so what did the enquiry uncover and is action is being taken?

Thanks,

[redacted]

---------- Forwarded message ----------
From: [redacted]
Date: 24 February 2017 at 17:10
Subject: RE: Guidance
To: [redacted]

Hi [redacted], should you decide to write a story, our line in response to this topic is below.

Kind regards, [redacted]

Electoral Commission spokesperson said:

"For 'working together' rules to apply, and for there to be an allocation of reportable campaign spending, there needs to have been spending in accordance with a common plan or arrangement between the campaigners.

"We are examining campaigners' spending returns to ensure that they are complete and accurate. Should we find evidence that spending should have been reported by any campaigners, we will consider it in line with our enforcement policy."

Ends

From: [redacted]
Sent: 24 February 2017 15:43
To: [redacted]
Subject: Re: Guidance

Hi [redacted]

I found this article which quotes the Electoral Commission towards the end as follows:

A spokesperson for the Electoral Commission said it had investigated Grimes following the original BuzzFeed News story and had not found any evidence of the law being broken, which would attract a potential maximum fine of £20,000.

"The Commission considered and undertook enquiries of Vote Leave and Mr Grimes to determine whether there was a common plan between Darren Grimes and Vote Leave," the spokesperson said. "We concluded our enquiries on 4 October 2016 and found no evidence that Darren Grimes and Vote Leave worked together in a way that broke the law.

"As such, we concluded that there was no need to open a full investigation into the matter and no further action was taken relating to this matter.

"Vote Leave have until 23 December to submit their spending return, and we will flag any issues, if any, in our press release we issue in the New Year."

Can you tell me if the EC intends on opening an investigation into this matter in light of the returns of both

Vote Leave and the DUP which also used Aggregate IQ services during the campaign (keeping in mind that Veterans for Britain also did so)?

It would be great to get something back on this by close of business if at all possible.

Thanks,

[redacted]

On 24 February 2017 at 14:26, [redacted] wrote:

[redacted]

This is the guidance we produced on working together – I'm checking with colleagues about your specific query and will come back to you

http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/194621/Working-together-for-EU-referendum-campaigners.pdf

[redacted]

[redacted]

[redacted]

The Electoral Commission

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www.aboutmyvote.co.uk

Putting voters first

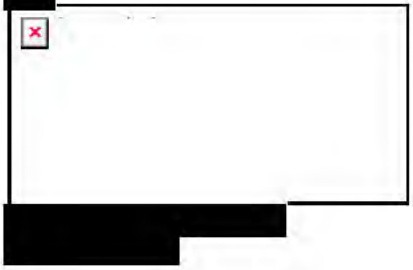
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[redacted]