From: FOI
To: [redacted]
Subject: FOI 056/18 - Response
Date: 14 January 2019 14:37:14
Attachments: 14.03.18. Document 18.pdf
13.02.18. Document 16.pdf
09.02.18. Document 9.pdf
09.02.18. Document 8.pdf
09.02.18. Document 7.pdf
07.03.18. Document 10.pdf
07.03.18. Document 1.pdf
29.02.18. Document 2.pdf
28.03.18. Document 3.pdf
27.03.18. Document 15.pdf
27.03.18. Document 4.pdf
27.03.18. Document 4 attachment final.pdf
26.02.18. Document 5.pdf
21.02.18. Document 14.pdf
19.02.18. Document 13.pdf
19.02.18. Document 12.pdf
19.02.18. Document 11.pdf
16.02.18. Document 6.pdf
15.03.18. Document 17.pdf

Dear [redacted],

Our Ref: FOI 056/18

Thank you for your email to the Electoral Commission dated **02 April 2018**, received by the Commission on **03 April 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.

This is a request for information under the Freedom of Information Act, and refers to Scotland in Union. Please note that this request comes in several parts.

1) Please provide all internal Electoral Commission correspondence and communications between October 1 2017 and the date that this request is received that mentions, or refers to, Scotland in Union.

2) Please provide all external Electoral Commission correspondence and communications between October 1 2017 and the date that this request is received that mentions, or refers to Scotland in Union.

3) Please provide all Electoral Commission correspondence and communications with Scotland in Union between October 1 2017 and the date that this request is received,

By 'correspondence and communications', I define this as including, but not limited to, the following:

Emails – Letters – Press clippings – Case files – Memos – Minutes of meetings – Notes taken during telephone calls

Our response is as follows:

We hold the information you have requested.

Please find enclosed the correspondence relating to your request. In addition, the Commission has previously responded to similar requests which fall within the scope of your request. These are:

- FOI 020/18
- FOI 004/18
- FOI 003/18

We have applied the following exemptions to this request:

Exemptions under Section 40
You will notice that some details from the documents we are disclosing are redacted. 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. The information contained in the requested information falls within the description of personal data as defined by section 1 of the Data Protection Act 2018 (DPA) because the information relates directly to an identifiable living individual.

Exemptions under Section 42

It is in the public interest to safeguard the confidential nature of legally privileged communications and advice, so as to allow openness in all communications between client and lawyer to ensure access to full and frank legal advice which in turn is fundamental to the administration of justice.

There is an inherent and strong public interest in maintaining this privilege given it is in the public's interest to ensure openness in order to safeguard access to fully informed, realistic and frank legal advice. The maintenance of this privilege, as the Information Commissioner's Office and the courts have stated, helps ensure the administration of justice and the effective undertaking of public policy.

Having carefully weighed the public interest relating to possible disclosure of the information requested under sec 42(1), we are satisfied that it is not appropriate at this time to disclose some 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,

[redacted]
Access to Information Officer (FOI and DPA)

The Electoral Commission
FOI@electoralcommission.org.uk
electoralcommission.org.uk

[redacted]

From: [redacted]
Sent: 07 March 2018 15:23
To: FOI
Subject: RE: FOI 20/18

Hi [redacted]

At the latest I think we're looking at next week for issuing the response so we'll go nowhere near 4 April (famous last words!!!)

[redacted]

[redacted]
Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ
Tel: [redacted]
Mob: [redacted]
electoralcommission.org.uk
yourvotematters.co.uk

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We have moved – please note our new address

From: FOI
Sent: 07 March 2018 14:22
To: [redacted]; FOI
Subject: RE: FOI 20/18

H[redacted],

I have informed the requestor.

The new deadline for this is **05/04/2018**, however if we could get it out a lot sooner that would be great.

Regards,
[redacted]

From: [redacted]
Sent: 06 March 2018 17:03
To: FOI
Subject: FOI 20/18

Hi guys

I'm having a bit of back and forth with Scotland in Union [redacted] about what should be exempt from the response. The response is due on Thursday but I will be in Belfast all day so I'm worried that I won't get this resolved in time.

Would there be a possibility of going back to the requester noting that we need some more time to consider possible exemptions and the public interest test?

I should be in a better position tomorrow to know whether we need additional time. In the case that we do, I think we would be looking at a matter of a few days at the most (say Tuesday next week).

Grateful if you could advise.

Thanks

[redacted]

[redacted]
Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ
Tel: [redacted]
Mob: [redacted]
electoralcommission.org.uk
yourvotematters.co.uk

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We have moved – please note our new address

[redacted]

From: [redacted]
Sent: 29 March 2018 11:09
To: All EC Staff - All Sites; Commissioners Protected
Subject: In the News - Thursday 29 March 2018

IN THE NEWS

Today's front pages

Vote Leave

Vote Leave allegations continue in the news today. **Sky News** reports that "Vote Leave whistle-blower has said he is "highly doubtful" that Michael Gove did not know of the alleged breach of spending limits by the official Brexit campaign," continuing, "Shahmir Sanni told Sky News there was "no way no one knew" about a £625,000 donation made by Vote Leave to a youth Brexit group called BeLeave." Also reported by **Huff Post**.

Matt Hancock, Digital, Culture, Media and Sport Secretary, was interviewed on **BBC Radio 4** yesterday, with the discussion including EC investigations are ongoing and reforms of electoral law in a digital age. Meanwhile, **LBC** reports that Caroline Lucas, MP, has asked for a cross-party investigation into Cambridge Analytica and other digital activity during the Brexit referendum and at elections going forward.

The **BBC**, **LBC** and **New Statesman** report on PMQs yesterday, where Theresa May referred to the Electoral Commission's powers and ongoing investigations in answer to a question from SNP MP Ian Blackford.

The press office continues to refer journalists to our previous statements on investigations regarding the EU Referendum, and reactively send out our additional statement.

Scotland

The Herald reports that "the country's leading anti-independence campaign has been cleared of allegedly failing to declare more than £150,000 of large donations exposed in a data leak." It reports "The Electoral Commission said it was "satisfied" that Scotland in Union, which campaigns against a second referendum, had complied with its legal requirements. However the watchdog also said the cross-party outfit had been "reminded of the rules" after minor issues with donation information." **The National** [print only, page 8] and **Wings Over Scotland** also reported on this.

Our statement on this is on our website.

Register to vote

In the second of **PRWeek**'s series on council voter-registration campaigns, they look at Lambeth. The London borough council's comms team has created a multimedia marketing and PR drive informing its electorate of the need to register and vote ahead of the May local elections.

Anonymous voter registration

Nursing Times reports that new guidance, from the Royal College of Midwives, has been published on supporting survivors of domestic abuse and other women in danger to vote safely, after this important role was extended to nurses and midwives. The RCM guidance, which was developed with the support of the Electoral Commission, sets out how anonymous voter registration works and the role midwives can play in helping women exercise their democratic rights without fear of harm.

More about this is on a news feed post.

On this day

1549 The city of Salvador da Bahia, the first capital of Brazil, is founded

1961 After a 4 and half year trial Nelson Mandela is acquitted of treason in Pretoria

[redacted]
Senior Communications Officer (Media relations)
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
electoralcommission.org.uk
yourvotematters.co.uk

Twitter | **Facebook** | **Blog**

[redacted]

From: [redacted]
Sent: 28 March 2018 11:44
To: FOI
Cc: [redacted]
Subject: RE: FOI 020/18

Yay!!!!!

[redacted]
Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ
Tel: [redacted]
Mob: [redacted]
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yourvotematters.co.uk

Twitter | **Facebook** | **Blog**

We have moved – please note our new address

From: FOI
Sent: 28 March 2018 11:42
To: [redacted]; FOI
Subject: RE: FOI 020/18

Hi [redacted]h,

You will be pleased to know, this FOI has now been sent out! Thank you for your hard work! ☺

Regards,
[redacted]

From: [redacted]
Sent: 27 March 2018 12:23
To: FOI
Subject: FW: FOI 020/18

Hi guys

Louise has approved this to go out. As discussed with [redacted], grateful if this can be sent tomorrow am to give us time to notify Scotland in Union that it is being released and also so we can put a reactive statement up onto our website.

All the best

[redacted]

[redacted]
Senior Officer - Scotland
The Electoral Commission
City Chambers
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Edinburgh
EH1 1YJ
Tel: [redacted]
Mob: [redacted]
electoralcommission.org.uk
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We have moved – please note our new address

From: Louise Edwards
Sent: 27 March 2018 07:03
To: [redacted]
Subject: RE: FOI 020/18

Sorry, yes, this is fine for release now. Thanks for setting out the legal advice for me.

Louise

From: [redacted]
Sent: 26 March 2018 17:12
To: Louise Edwards
Subject: FW: FOI 020/18

Hi Louise

I'm off on leave for two weeks after Thursday so I will really need to get this wrapped up in the next couple of days. Would you be able to let me know whether you are content with my explanation around the spreadsheet redactions. I have already redacted the stray reference to [redacted]

Thanks

[redacted]

BTW due to Skynet issues the documents for release have had to be saved to a different name:

CombinedFilesForRelease.pdf

[redacted]
Senior Officer - Scotland
The Electoral Commission
City Chambers

High Street
Edinburgh
EH1 1YJ
Tel: [redacted]
Mob: [redacted]
electoralcommission.org.uk
yourvotematters.co.uk

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We have moved – please note our new address

From: [redacted]
Sent: 21 March 2018 16:48
To: Louise Edwards
Subject: RE: FOI 020/18

Hi Louise

Thanks for coming back to me – I do understand how much you have on at the moment (16 FOI's!!!).

I will redact the mention of [redacted] on page 60 and apologies that this slipped through the net.

[redacted]

We have already notified SIU of the release and shared the documents which will be released. They were alarmed at the release of the spreadsheet and I have already gone back to say that most of the spreadsheet would be redacted due to data protection.

Happy to discuss if helpful.

[redacted]

[redacted]
Senior Officer - Scotland
The Electoral Commission
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yourvotematters.co.uk

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We have moved – please note our new address

From: Louise Edwards
Sent: 21 March 2018 16:20
To: [redacted]
Subject: RE: FOI 020/18

Apologies that you had to chase [redacted].

I went through the docs to be released and had a couple of questions:

- First, on page 60 there's a rogue mention of [redacted] that needs to be redacted.
- Secondly, we redact a lot of the info on the donation spreadsheet that SIU sent us. The response letter only mentions the DPA exemption being applied. Are we satisfied that all the redacted information is exempt under FOI? For example, donation amounts –is that personal data?

In terms of process, are we at the stage of notification to SIU now, or have they already been notified of the docs to be released?

Thanks

Louise

From: [redacted]
Sent: 20 March 2018 13:46
To: Louise Edwards
Subject: RE: FOI 020/18

H Louise

Sorry to be hounding you when I know your horrendously busy but do you know when you might get to this?

Thanks

[redacted]

[redacted]
Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ
Tel: [redacted]
Mob: [redacted]
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We have moved – please note our new address

From: [redacted]
Sent: 13 March 2018 11:40
To: Louise Edwards
Subject: FOI 020/18

Hi Louise

The Scotland in Union FOI is now ready for your sign off. I've made a reference in the covering letter to the review having concluded but haven't put the full statement in there as it felt a bit like overkill but let me know if you do want it all in.

Response letter is here: FOI Response Letter Template.docx

The documents for release are here: CombinedDocumentsForRelease.pdf

We had an extension on this until early April but obviously the sooner we can get it out the better as the original deadline was last Thursday.

Cheers

[redacted]

[redacted]
Senior Officer - Scotland
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Mob: [redacted]
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We have moved – please note our new address

Gordon

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

Kind regards

[redacted]
Senior Adviser Elections and Campaigners
The Electoral Commission
Lothian Chambers
59-63 George IV Bridge
Edinburgh, EH1 1RN
Tel: [redacted]
Fax: [redacted]
Textphone: [redacted]
www.electoralcommission.org.uk
www.aboutmyvote.co.uk

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From: Business for Scotland [mailto [redacted]]
Sent: 26 October 2015 13:45
To: [redacted]
Subject: Re: Invitation to the Electoral Commission's Non-party campaigner seminar on 16 November

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

Yours for Scotland

Gordon

Gordon MacIntyre-Kemp
Founder and Chief Executive

The Campaigning Business Network

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

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

Dear colleague

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

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

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

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

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

Best wishes

[redacted]
Senior Adviser Elections and Campaigners
The Electoral Commission
Lothian Chambers
59-63 George IV Bridge
Edinburgh, EH1 1RN
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<image001.png>

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<Agenda for NPC seminar 16 November 2015.pdf>

The Electoral Commission

Non-party campaigner seminar

Date: Monday 16 November 2015

Time: 13:00 – 15:30

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

Agenda

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

1. Welcome and introductions

2. Campaigning at the Scottish Parliament election - An overview of the rules

3. Applying the gateway test to different types of campaigning

4. Questions and answers

5. Break

6. Hustings, joint campaigning and attributing spending

7. Break

8. Registration information

9. Questions and answers

10. Evaluation

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

Dear permitted participant

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

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

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

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

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

To assist you, we have further information on these rules in our guidance for non-party campaigners. This can be found on our website in the following location http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/non-party-campaigners.
You may find our Introduction to non-party campaigning and our Overview of regulated non-party campaigning particularly useful.

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

Best regards

[redacted]
Referendum Officer
The Electoral Commission
Lothian Chambers
59-63 George IV Bridge
Edinburgh EH1 1RN
[redacted]
[redacted]
www.electoralcommission.org.uk

Make sure you are registered to vote
Follow us on Twitter

Putting voters first

Please consider the environment before printing this email

[redacted]

From: FOI
Sent: 27 March 2018 15:10
To: [redacted]
Cc: FOI
Subject: FOI 023/18 Business for Scotland - Response
Attachments: 023-18 files for release.pdf

Dear [redacted],

Our Ref: FOI 023/18

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

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

Your request is in bold below followed by our response.

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

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

Our response is as follows:

We hold some information in relation to your request.

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

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

Please note, some of the information contained in the attachments to this response is personal data such as the names, and contact details of junior staff at the Electoral Commission and Scotland in

Union which is exempt under section 40 of the FOI Act. We have also applied redactions to a spreadsheet of donor information which was provided to us as part of our compliance case. As these donations do not meet the threshold for transparency under the Political Parties Elections and Referendums Act

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

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

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

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-I-make-an-foi-request.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/

Yours sincerely,

[redacted]
Information Management Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk

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[redacted]

From: [redacted] on behalf of FOI
Sent: 26 February 2018 12:20
To: Louise Edwards
Subject: FOI 034/18 Scotland in Union Correspondence 2018

FOI 034/18

Dear Louise,

The Commission has received the following FOI request:

Could I request copies of all email and document-based (for example but not limited to letter, memo, fax, etc) communication between the Electoral Commission and Scotland in Union between 1 January 2018 and today's date, 23 February 2018.

Could I also request copies of all communications and correspondence about Scotland in Union.

For information, here is a link to the FOI Internal Procedure

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 **Friday 23rd March 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 template **FOI Response Letter Template FOI 034_18 Scotland in Union Correspondence 2018.docx**
.
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/**FOI 034/18 Scotland in Union Correspondence**

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,

[redacted]
Information, Knowledge and Systems Manager
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
electoralcommission.org.uk
yourvotematters.co.uk

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[redacted]

From: [redacted]
Sent: 16 February 2018 10:40
To: Louise Edwards; Andy O'Neill; [redacted] FOI
Cc: [redacted]
Subject: RE: FOI 020/18 Scotland in Union 2018

Follow Up Flag: Follow up
Flag Status: Completed

Hi all

[redacted] will lead on this one.

Thanks

[redacted]

From: Louise Edwards
Sent: 13 February 2018 11:56
To: Andy O'Neill; [redacted] FOI
Cc: [redacted]
Subject: RE: FOI 020/18 Scotland in Union 2018

Hi

Yes happy to take this one. [redacted] please can you lead on producing a response?

Thanks

Louise

From: Andy O'Neill
Sent: 12 February 2018 09:47
To: [redacted]; FOI
Cc: Louise Edwards; [redacted]
Subject: RE: FOI 020/18 Scotland in Union 2018

Thanks

Louise what do you think.

Andy

Andy O'Neill
Head of Electoral Commission, Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh

EH1 1YJ
Tel: [redacted]
Mob: [redacted]
electoralcommission.org.uk
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We have moved – please note our new address

From: [redacted]
Sent: 12 February 2018 09:43
To: Andy O'Neill; FOI
Cc: Louise Edwards; [redacted]
Subject: RE: FOI 020/18 Scotland in Union 2018

Andy

The previous FOI came in on 7 January so they are looking for any new information on SIU generated *since* the last request.

All the information is compliance related (apart from a couple of e-mails between me and SIU notifying them of the previous FOI request). Consequently I think the Compliance Team should lead on this one and not us.

Thanks

[redacted]

[redacted]
Senior Officer - Scotland
The Electoral Commission
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We have moved – please note our new address

From: Andy O'Neill
Sent: 12 February 2018 08:44
To: FOI; [redacted]
Cc: Louise Edwards
Subject: RE: FOI 020/18 Scotland in Union 2018

[redacted]

Another SIU FOI.

Is all of this not in the public domain already?

Andy

Andy O'Neill
Head of Electoral Commission, Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ
Tel: [redacted]
Mob: [redacted]
electoralcommission.org.uk
yourvotematters.co.uk

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We have moved – please note our new address

From: FOI
Sent: 09 February 2018 15:42
To: Andy O'Neill
Cc: FOI
Subject: FOI 020/18 Scotland in Union 2018

FOI 020/18

Dear Andy,

The Commission has received the following FOI request:

Please supply all items of information held by the Electoral Commission in relation to Scotland in Union generated since 7 January 2018.

http://search.electoralcommission.org.uk/English/Registrations/TP6513

The information should include, but not be limited to, all paperwork filed with the Commission which is not already available through PEF Online, all correspondence between the Commission and Scotland in Union or its agents, all internal correspondence about Scotland in Union and all complaints lodged in respect of Scotland in Union.

For information, here is a link to the FOI Internal Procedure

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 **08/03/2018** 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 FOI Response Letter Template.docx

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/ Scotland in Union 2018.

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,

[redacted]
Information Management Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk

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[redacted]

From: Tom Gordon [redacted]
Sent: 09 February 2018 10:22
To: FOI; Tom Gordon
Subject: FoI Request - Scotland in Union

Follow Up Flag: Follow up
Flag Status: Completed

This is a request under the Freedom of Information Act 2000.

It should be treated as a single request and not aggregated with others.

Please supply all items of information held by the Electoral Commission in relation to Scotland in Union generated since 7 January 2018.

http://search.electoralcommission.org.uk/English/Registrations/TP6513

The information should include, but not be limited to, all paperwork filed with the Commission which is not already available through PEF Online, all correspondence between the Comission and Scotland in Union or its agents, all internal correspondence about Scotland in Union and all complaints lodged in respect of Scotland in Union.

In order to fulfil this request as cheaply and efficiently as possible, it is suggested that copies of original files are released in PDF format.

I understand there may be a charge for this information.

Please note, this is a separate request to FOI 004/18, which covered the period up to 7 January 2018.

Tom Gordon

_____

Tom Gordon
Political Editor
The Herald
Media Tower
Scottish Parliament
Edinburgh
EH99 1SP

[redacted]

[redacted]

From: FOI
Sent: 09 February 2018 15:42
To: Andy O'Neill
Cc: FOI
Subject: FOI 020/18 Scotland in Union 2018

FOI 020/18

Dear Andy,

The Commission has received the following FOI request:

Please supply all items of information held by the Electoral Commission in relation to Scotland in Union generated since 7 January 2018.

http://search.electoralcommission.org.uk/English/Registrations/TP6513

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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 FOI Response Letter Template.docx

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**/** Scotland in Union 2018.

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,

[redacted]
Information Management Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk

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[redacted]

From: FOI
Sent: 09 February 2018 13:42
To: [redacted]
Cc: FOI
Subject: FOI 020/18 Scotland in Union 2018 - Acknowledgement

Dear [redacted]

Our Ref: FOI 020/18

Thank you for your request under the Freedom of Information Act dated **09 February 2018**, concerning:

Please supply all items of information held by the Electoral Commission in relation to Scotland in Union generated since 7 January 2018.

http://search.electoralcommission.org.uk/English/Registrations/TP6513

The information should include, but not be limited to, all paperwork filed with the Commission which is not already available through PEF Online, all correspondence between the Commission and Scotland in Union or its agents, all internal correspondence about Scotland in Union and all complaints lodged in respect of Scotland in Union.

The Commission aims to respond to requests for information promptly and within the statutory timeframe of twenty working days.

You may expect to receive a reply sent from the Commission by **08 March 2018.**

Yours sincerely,

[redacted]
Information Management Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk

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[redacted]

From: FOI
Sent: 07 March 2018 14:21
To: [redacted]
Cc: FOI
Subject: FOI 020/18 Scotland in Union 2018 - Deadline Extention

Dear [redacted]

I am writing to inform you that the commission will be extending the deadline for this request in order to consider possible exemptions and the apply the public interest test.

We will aim to get this response to you as soon as possible.

You may expect to receive a reply sent from the Commission by **05 April 2018.**

Apologies for the inconvenience.

Kind Regards,

[redacted]
Information Management Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk

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Thank you, [redacted]

Kind regards
Alastair

On 19 Feb 2018 3:33 pm, [redacted] wrote:

> Dear [redacted]
>
> Thanks. To be clear, yes, we consider the matter closed at this stage, and we will come back to you if we require anything else.
>
> Kind regards,
>
> [redacted]
>
> **From:** Alastair Cameron [redacted]
> **Sent:** 19 February 2018 14:55
> **To:** [redacted]
> **Cc:** Pamela Nash
> **Subject:** Re: FW: FW: FW: Scotland in Union: Your queries re donations, and reporting action required
>
> Dear [redacted]
>
> Thank you for getting back to me promptly, which is very helpful in terms of my being able to update the other SIU directors this evening.
>
> I appreciate and understand the points you have made below, and specifically note the requirement for nil returns in future, as appropriate. Thank you for arranging to update the public record for 2015.
>
> My only remaining request is just to ask you to confirm that this is the conclusion of this correspondence, and that the Commission does not require anything further from Scotland in Union other than what might be required in future (e.g. if there were to be an election, for which SIU were to carry out regulated activities). It would be helpful to have this conclusion confirmed, so that I can pass that information on to staff, and potentially to supporters and other interested parties.
>
> Finally, I note that you are moving on, and would like to wish you all the best for the future.
>
> Kind regards
>
> Alastair
>
> **Alastair Cameron**
>
> **Director**
>
> **Scotland in Union**
>
> [redacted]

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On 19 February 2018 at 12:24, [redacted] wrote:

Dear Alastair,

Thank you for the information you have provided in response to our enquiries.

We note that there was one donation of £1,560 that should have been reported in 2015 as part of an aggregate figure, and that you initially reported this as an itemised individual donation. When this was removed from the return's individual items, it should have been re-added to the return in the aggregate column. We recognise there was some confusion about this, and we note you had taken steps to report this to us. As such, we do not consider this warrants any action other than to update the public register to include this donation in your 2015 return, which we will do over the next few days. This will not be itemised using the individual's details, but will appear as part of an aggregate figure of donations between £500-£7,500.

Regarding the nil donations returns in 2016 and 2017, this is a reminder that we expect you to complete a donations report as part of a complete expenditure return after any relevant election. This includes a statement of nil donations received, where applicable. We trust you will take note of this for any future elections you may campaign at.

If you have any questions about this email, or if you need any advice about donations or any aspect of campaigning, you can contact me this week. Please note that I am leaving the Commission at the end of this week, but after that emails or calls to the Commission's Political Finance advice service on 0333 103 1928, or by email at pef@electoralcommission.org.uk will be picked up by another member of the team.

Kind regards,

[redacted]

[redacted]

Senior Financial Reporting Adviser

The Electoral Commission

3 Bunhill Row
London EC1Y 8YZ
[redacted]

electoralcommission.org.uk

yourvotematters.co.uk

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From: Alastair Cameron [redacted]
Sent: 18 February 2018 21:24
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello [redacted]

I've now returned from holiday, and I hope you don't mind me asking whether you think you will have any further questions. We have a Directors' meeting on Monday evening, at which I would like to give a further update on your enquiries, so if you were able to respond shortly, that would be very helpful.

Many thanks

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 9 February 2018 at 17:11, [redacted] wrote:

Thanks Alastair. If I have any follow up questions, I appreciate you'll be away so it may be a little while before you can respond.

Kind regards

[redacted]

From: Alastair Cameron [redacted]
Sent: 09 February 2018 17:04
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for getting back to me. If you need to contact me next week, I will be checking emails occasionally – but I may not be able to respond in detail as I will not have my PC with me.

One thing I need to highlight to you anyway: I have just checked again the information I provided to you last Friday, and I have found an error which I made while consolidating our data. Four people [redacted] are shown as 'one-off' donors, but in fact they each gave to SIU on more than one occasion. Their total amounts remain the same. I have attached an updated version of the information, with the changes in red text (just changes to start and end dates) – my apologies for the need to make this change, but having noticed the error I thought I should amend it straight away. (Password remains the same.)

With regard to your specific questions:

1. We ask for donations in a variety of ways, whether that's generally (for example on our website and social media), or face to face (individually, or at events). We have consistently asked people to support us for three main reasons: so that we can continue to make a positive case for Scotland in the UK; so that we can help to prevent another referendum on independence within the 'once in a generation' timeframe; and so that we can be ready for another referendum campaign if one was called.

We have not asked for donations to be given for regulated activities: donations are given for the general costs of the organisation and our campaign, and particularly the need for professional staff. We seek donations to enable our staff to be secure in their jobs, so that they can focus their energies on the case for Scotland being in the UK rather than looking around for supplementary work. To be clear, with the exception that I have previously outlined (the donation funding an aerial banner), we have not sought or received donations over £500 intended for campaigning in any election.

2. The focus groups were carried out for us [redacted], in late January and early February 2016. The main aim was to identify broad long-term themes which SIU could use in telling the story of why Scotland should be part of the UK; there was a secondary aim to test awareness of SIU's brand and to gauge reactions to our name and logo. We used the output to inform our overall strategy, and to plan for activity in the medium term. One of our

Vice Chairs, who was helping us to fundraise at the time, asked [redacted] who was his contact, to assist us with the cost of the focus groups, as it was a significant outlay at the time (total cost was c£25,000, so the donation only covered part of the cost).

3. The information relating to auction prizes and bids that I have supplied you with is from two different events: one in September 2016 in Edinburgh, and the other in March 2017 in Aberdeen. At the time of each of these, we were not (and had no reason to be) registered with the Electoral Commission, and there was no prospect of an election until 2021. Prizes were donated from personal contacts of SIU directors and supporters. Bidding for the prizes happened on the night at each event, and of course all guests were encouraged to bid by speeches from various people. Donors would have expected the money to be spent on SIU's non-regulated activity well in advance of any election, given that the next one was expected in 2021.

I hope these responses help, and are answering your questions as you expect. If you have any further questions or concerns, do please let me know. We have frequently sought guidance from the Commission in the past, and consistently tried to act in accordance with that guidance, so I hope you can be satisfied to that effect.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 8 February 2018 at 11:40, [redacted] wrote:

Dear Alastair,

Thanks for your reply and for the note.

It would be useful to understand more about your procedures when soliciting/accepting donations. What discussions do you have with prospective donors about what their money will be used for?

On a separate point, we note that [redacted] gave £5000 in kind towards the cost of focus groups in March 2016. Could you give us more information about the focus groups – who ran them, the subject matter, and what the work was used for, and how [redacted] came to contribute to the costs?

We note that many of your donations relate to auctions, whether this is the donation of prizes or of winning bids above the market value. Can you please provide us with information as to how these donations came to be made and whether they relate to one event (we are aware of an auction in September 2016) or several events?

Kind regards,

[redacted]

From: Alastair Cameron [redacted]
Sent: 07 February 2018 11:48
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

I hope this finds you well. Apologies for perhaps appearing impatient, but I thought I would get in touch to let you know that I am on holiday from the end of this week, and therefore if you do have any further questions, might you be able to let me know as soon as practical (and/ or to wait for any answers until the week after next)?

Of course, we are very keen to do anything which helps the Commission to reach a conclusion, as you no doubt have seen the press saying 'Scotland in Union is under investigation', which is harmful to the organisation's reputation and is causing stress and distraction for our staff.

One thing which did occur to me, based on the recent Freedom Of Information requests and responses, was that you do not have a note of the meeting of 19th June between me, [redacted] and Andy, so I thought it might be helpful to provide my note of that meeting, which I wrote on 23rd June.

The note, attached, was intended for our internal use only, so some of the language may be less formal than that which I would have used for external consumption (and my apologies to Andy for not recalling his name at the time when I wrote the note!). That said, I thought it might still be helpful to provide it.

Specifically with reference to donations and the 2017 Election, for example, it includes my note that I checked about donation reporting for SIU, as a non-party campaign group with mostly non-regulated spending - this feels relevant to me, and adds to the previous email exchanges on that subject, from 2015 and 2016.

I hope this is helpful, and I look forward to hearing from you in due course.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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Scotland in Union look forward to welcoming you to our Burns Night in Glasgow on 2nd February 2017, get your tickets here!

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On 2 February 2018 at 15:55, Alastair Cameron [redacted] wrote:

Great, thanks for confirming.

Have a good weekend.

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 2 February 2018 at 15:50, [redacted] wrote:

Thanks Alastair, I was just calling you back as you called [redacted].

I can open the spreadsheet no problem.

Kind regards,

[redacted]

From: Alastair Cameron [redacted]
Sent: 02 February 2018 15:41
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

As requested, please find attached a password-protected spreadsheet with a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given. Do please let me know if you have any questions about the data.

I mentioned previously that we had only one donation which was reportable, in 2015, and we corresponded about the events which led to our not reporting it as an aggregated sum in 2015. I recalled that it was for £1,400, but now that I have checked properly, I can see that the donation was actually for £1,560 - you will see it in the attached list.

As discussed, I will provide the password to the spreadsheet by phone. I call your number shortly.

Regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 2 February 2018 at 10:17, [redacted] wrote:

Hi Alastair,

Thank you – yes that's the right number for me. If for whatever reason you can't reach me, I'll give you my colleague [redacted] number as a backup – [redacted]

Thanks

[redacted]

From: Alastair Cameron [redacted]
Sent: 01 February 2018 21:00
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello again, [redacted]

We're on track to share with you tomorrow (Friday), as requested, a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given, as well as noting whether donations were given for a specific purpose.

I would like to send this as a password-protected spreadsheet, and to provide the password via another means rather than email. To that end, is there a phone number which I could use to advise you of the password, once the spreadsheet is on its way? Is [redacted] the right number to use, for example?

Thanks

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 30 January 2018 at 16:37, Alastair Cameron [redacted] wrote:

Thanks, [redacted]

We have actually been registered twice, with a gap in between.

1. Our first registration began on 26 January 2015, for the 2015 UK General Election, and was automatically extended until the 2016 Scottish Parliament Election, after which it lapsed, on 5 May 2016. This lapsing made sense at the time, as there was no election due until 2021.

2. We registered again on 26 May 2017, for the 2017 UK General Election.

That said, I presume you want to see all over-£500 donations which fall into either of our registration periods, or during the regulated period for the 2017 Election (which stretched back to 9 June 2016). We will prepare a consolidated list based on that basis, unless you let me know otherwise, with the aim of getting it to you on Friday.

With regard to the £1,400 in 2015, I actually submitted it as a fully itemised return in the first place. The Electoral Commission then removed it from our return, as it was below the threshold for needing to be itemised. I can see from your note that it should then have been re-submitted as an 'aggregated' item. I think it's probably worth noting that I originally submitted it in full, and had correspondence with the Commission about it (I think [redacted] rang me about it, if I recall correctly), but if you would like me to do anything specific to ensure it is now correctly recorded as aggregated, do please let me know.

Regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 30 January 2018 at 16:08, [redacted] wrote:

Dear Alastair,

Thank you for your reply.

As I said in my original email response to Pamela's questions, the post-poll donations return *must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and* ***an***

aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised.

As such, a donation of £1,400 towards regulated activity would indeed have been reportable in 2015 in this aggregate figure. A gift of £50 does not meet the criteria to be considered a donation.

We are asking for the full list of donations so we can conduct our own review to satisfy ourselves that nothing has been missed from past returns. We appreciate the information you have given, however we do still require the list to make our own review.

The dates reflect your periods of registration with the Commission – the first period of which began on 26 January 2015.

I appreciate you are concerned about the security of your data. However, the relevant staff are not in the Edinburgh office but here in London, and so it does need to come here. If you feel uncomfortable emailing it to us and want to use another method, such as a courier, then that would be fine. We do deal with large quantities of financial and other sensitive data, so you can have confidence in its security with us.

Kind regards,

[redacted]

From: Alastair Cameron [redacted]
Sent: 29 January 2018 13:55
To: [redacted]
Cc: [redacted] Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for your email, and particularly for confirming the Commission's view on our expenditure returns. On the FOI matter, I have been in correspondence with [redacted] who has been very helpful.

We are of course happy to provide any donor information that the Electoral Commission requires, but before we invest the time in producing a consolidated list as requested in your email, could you please let me know exactly why you need this information?

Almost all of our donations are not reportable, because they have not been given, for a specific electoral campaign purpose – a situation I have confirmed explicitly with Electoral Commission staff in 2015, 2016 and 2017. I can provide details of those confirmation exchanges, if that would help.

There are only two exceptions in terms of donor purpose/ instructions, both from 2015, when we received a cash donation of £1,400 and an in-kind donation of £50, each of which was given specifically for activities which we believe passed public and purpose tests. I can of course provide more information on these two donations (which are non-reportable by virtue of value, rather than intent), but I'm not sure what would be gained from our providing more detail on other non-reportable donations; hence my question above.

Notwithstanding the main point above, if we are still required to provide a list, I would be grateful if you could also clarify why these particular dates have been chosen.

We are keen to assist the Electoral Commission, but our supporters are quite rightly concerned about their information being shared, as there is a significant risk that they could be harassed or intimidated if this information gets out. This concern has been highlighted by a recent data theft from SIU. To that end, we have a responsibility to our supporters to know why their personal information is being requested, and to minimise the risk that it will be shared further. If we do still need to produce a list of non-reportable donations, I hope we can agree a way to share it which minimises that risk (e.g. perhaps I can show it to Electoral Commission staff in the Edinburgh office, rather than emailing it?).

I hope that all makes sense. If you could please reply as soon as possible to confirm the rationale for the request, and whether you do still need a list of non-reportable donations given the information above, then that would be much appreciated, as we will need some time to pull it together and ensure it is presented consistently.

Many thanks

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 26 January 2018 at 11:37, [redacted] wrote:

Dear Alastair,

Thanks for your reply.

Spending

Thank you for your detailed comments regarding your reporting of spending at the 2017 UK Parliamentary General Election (UKPGE).

We have concluded that – given your prompt steps to register with us, and desisting from further campaigning after the election was called – it would not be appropriate or proportionate to take any enforcement action in this regard.

Donations

Thanks too for submitting the nil donations return, which I can see has appeared in our system. To confirm, there was a reminder sent out to the responsible person of all non-party campaigners on 3 August 2017 to confirm the requirements of the post-election return.

We note that you have not reported to us any relevant reportable donations at this election, or at the other elections for which you were registered with us as an NPC (2015 UKPGE, 2016 Scottish Parliament). It does not appear that you submitted a donations return following the Scottish Parliament elections in 2016.

We need further information from you to satisfy ourselves that no relevant donations have been missed from the various reports submitted, and for your own assurance that you are complying with the rules appropriately.

To that end, we ask that you send us details of all donations received by Scotland in Union of above £500 in the period from 26 January 2015 to 8 June 2017, so that we can further assess this and ensure nothing reportable was missed. Please send these to us by no later than close of business on 2 February 2018.

This is not currently being formally assessed under our Enforcement Policy. However, depending on the information we receive, it may be that we do so in the future.

I understand you are also in touch with my colleague [redacted] about an FOI request, and she

...

Dear [redacted]

Thank you for getting back to me promptly, which is very helpful in terms of my being able to update the other SIU directors this evening.

I appreciate and understand the points you have made below, and specifically note the requirement for nil returns in future, as appropriate. Thank you for arranging to update the public record for 2015.

My only remaining request is just to ask you to confirm that this is the conclusion of this correspondence, and that the Commission does not require anything further from Scotland in Union other than what might be required in future (e.g. if there were to be an election, for which SIU were to carry out regulated activities). It would be helpful to have this conclusion confirmed, so that I can pass that information on to staff, and potentially to supporters and other interested parties.

Finally, I note that you are moving on, and would like to wish you all the best for the future.

Kind regards
Alastair

Alastair Cameron
Director
Scotland in Union
[redacted]
www.scotlandinunion.co.uk
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On 19 February 2018 at 12:24, [redacted] wrote:

> Dear Alastair,
>
> Thank you for the information you have provided in response to our enquiries.
>
> We note that there was one donation of £1,560 that should have been reported in 2015 as part of an aggregate figure, and that you initially reported this as an itemised individual donation. When this was removed from the return's individual items, it should have been re-added to the return in the aggregate column. We recognise there was some confusion about this, and we note you had taken steps to report this to us. As such, we do not consider this warrants any action other than to update the public register to include this donation in your 2015 return, which we will do over the next few days. This will not be itemised using the individual's details, but will appear as part of an aggregate figure of donations between £500-£7,500.
>
> Regarding the nil donations returns in 2016 and 2017, this is a reminder that we expect you to complete a donations report as part of a complete expenditure return after any relevant election. This includes a statement of nil donations received, where applicable. We trust you will take note of this for any future elections you may campaign at.
>
> If you have any questions about this email, or if you need any advice about donations or any aspect of campaigning, you can contact me this week. Please note that I am leaving the Commission at the end of this week, but after that

emails or calls to the Commission's Political Finance advice service on 0333 103 1928, or by email at pef@electoralcommission.org.uk will be picked up by another member of the team.

Kind regards,

[redacted]

[redacted]

Senior Financial Reporting Adviser

The Electoral Commission

3 Bunhill Row
London EC1Y 8YZ
[redacted]

electoralcommission.org.uk

yourvotematters.co.uk

Twitter | **Facebook** | **Blog**

From: Alastair Cameron [redacted]
Sent: 18 February 2018 21:24
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello [redacted]

I've now returned from holiday, and I hope you don't mind me asking whether you think you will have any further questions. We have a Directors' meeting on Monday evening, at which I would like to give a further update on your enquiries, so if you were able to respond shortly, that would be very helpful.

Many thanks

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 9 February 2018 at 17:11, [redacted] wrote:

Thanks Alastair. If I have any follow up questions, I appreciate you'll be away so it may be a little while before you can respond.

Kind regards

[redacted]

From: Alastair Cameron [redacted]
Sent: 09 February 2018 17:04
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for getting back to me. If you need to contact me next week, I will be checking emails occasionally – but I may not be able to respond in detail as I will not have my PC with me.

One thing I need to highlight to you anyway: I have just checked again the information I provided to you last Friday, and I have found an error which I made while consolidating our data. Four people [redacted] are shown as 'one-off' donors, but in fact they each gave to SIU on more than one occasion. Their total amounts remain the same. I have attached an updated version of the information, with the changes in red text (just changes to start and end dates) – my apologies for the need to make this change, but having noticed the error I thought I should amend it straight away. (Password remains the same.)

With regard to your specific questions:

1. We ask for donations in a variety of ways, whether that's generally (for example on our website and social media), or face to face (individually, or at events). We have consistently asked people to support us for three main reasons: so that we can continue to make a positive case for Scotland in the UK; so that we can help to prevent another referendum on independence within the 'once in a generation' timeframe; and so that we can be ready for another referendum campaign if one was called.

We have not asked for donations to be given for regulated activities: donations are given for the general costs of the organisation and our campaign, and particularly the need for professional staff. We seek donations to enable our staff to be secure in their jobs, so that they can focus their energies on the case for Scotland being in the UK rather than looking around for supplementary work. To be clear, with the exception that I have previously outlined (the donation funding an aerial banner), we have not sought or received donations over £500 intended for campaigning in any election.

2. The focus groups were carried out for us [redacted], in late January and early February 2016. The main aim was to identify broad long-term themes which SIU could use in telling the story of why Scotland should be part of the UK; there was a secondary aim to test awareness of SIU's brand and to gauge reactions to our name and logo. We used the output to inform our overall strategy, and to plan for activity in the medium term. One of our Vice Chairs, who was helping us to fundraise at the time, asked [redacted], who was his contact, to assist us with the cost of the focus groups, as it was a significant outlay at the time (total cost was c£25,000, so the donation only covered part of the cost).

3. The information relating to auction prizes and bids that I have supplied you with is from two different events: one in September 2016 in Edinburgh, and the other in March 2017 in Aberdeen. At the time of each of these, we were not (and had no reason to be) registered with the Electoral Commission, and there was no prospect of an election until 2021. Prizes were donated from personal contacts of SIU directors and supporters. Bidding for the prizes happened on the night at each event, and of course all guests were encouraged to bid by speeches from various people. Donors would have expected the money to be spent on SIU's non-regulated activity well in advance of any election, given that the next one was expected in 2021.

I hope these responses help, and are answering your questions as you expect. If you have any further questions or concerns, do please let me know. We have frequently sought guidance from the Commission in the past, and consistently tried to act in accordance with that guidance, so I hope you can be satisfied to that effect.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 8 February 2018 at 11:40, [redacted] wrote:

Dear Alastair,

Thanks for your reply and for the note.

It would be useful to understand more about your procedures when soliciting/accepting donations. What discussions do you have with prospective donors about what their money will be used for?

On a separate point, we note that [redacted] gave £5000 in kind towards the cost of focus groups in March 2016. Could you give us more information about the focus groups – who ran them, the subject matter, and what the work was used for, and how [redacted] came to contribute to the costs?

We note that many of your donations relate to auctions, whether this is the donation of prizes or of winning bids above the market value. Can you please provide us with information as to how these donations came to be made and whether they relate to one event (we are aware of an auction in September 2016) or several events?

Kind regards,

[redacted]

From: Alastair Cameron [redacted]
Sent: 07 February 2018 11:48
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

I hope this finds you well. Apologies for perhaps appearing impatient, but I thought I would get in touch to let you know that I am on holiday from the end of this week, and therefore if you do have any further questions, might you be able to let me know as soon as practical (and/ or to wait for any answers until the week after next)?

Of course, we are very keen to do anything which helps the Commission to reach a conclusion, as you no doubt have seen the press saying 'Scotland in Union is under investigation', which is harmful to the organisation's reputation and is causing stress and distraction for our staff.

One thing which did occur to me, based on the recent Freedom Of Information requests and responses, was that you do not have a note of the meeting of 19th June between me, [redacted] and Andy, so I thought it might be helpful to provide my note of that meeting, which I wrote on 23rd June.

The note, attached, was intended for our internal use only, so some of the language may be less formal than that which I would have used for external consumption (and my apologies to Andy for not recalling his name at the time when I wrote the note!). That said, I thought it might still be helpful to provide it.

Specifically with reference to donations and the 2017 Election, for example, it includes my note that I checked about donation reporting for SIU, as a non-party campaign group with mostly non-regulated spending - this feels relevant to me, and adds to the previous email exchanges on that subject, from 2015 and 2016.

I hope this is helpful, and I look forward to hearing from you in due course.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 2 February 2018 at 15:55, [redacted] wrote:

Great, thanks for confirming.

Have a good weekend.

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 2 February 2018 at 15:50, [redacted] wrote:

Thanks Alastair, I was just calling you back as you called [redacted].

I can open the spreadsheet no problem.

Kind regards,

[redacted]

From: Alastair Cameron [redacted]
Sent: 02 February 2018 15:41
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

As requested, please find attached a password-protected spreadsheet with a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given. Do please let me know if you have any questions about the data.

I mentioned previously that we had only one donation which was reportable, in 2015, and we corresponded about the events which led to our not reporting it as an aggregated sum in 2015. I recalled that it was for £1,400, but now that I have checked properly, I can see that the donation was actually for £1,560 - you will see it in the attached list.

As discussed, I will provide the password to the spreadsheet by phone. I call your number shortly.

Regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 2 February 2018 at 10:17, [redacted] wrote:

Hi Alastair,

Thank you – yes that's the right number for me. If for whatever reason you can't reach me, I'll give you my colleague [redacted] number as a backup – [redacted]

Thanks

[redacted]

From: Alastair Cameron [redacted]
Sent: 01 February 2018 21:00
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello again, [redacted]

We're on track to share with you tomorrow (Friday), as requested, a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given, as well as noting whether donations were given for a specific purpose.

I would like to send this as a password-protected spreadsheet, and to provide the password via another means rather than email. To that end, is there a phone number which I could use to advise you of the password, once the spreadsheet is on its way? Is [redacted] the right number to use, for example?

Thanks

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 30 January 2018 at 16:37, [redacted] wrote:

Thanks, [redacted]

We have actually been registered twice, with a gap in between.

1. Our first registration began on 26 January 2015, for the 2015 UK General Election, and was automatically extended until the 2016 Scottish Parliament Election, after which it lapsed, on 5 May 2016. This lapsing made sense at the time, as there was no election due until 2021.

2. We registered again on 26 May 2017, for the 2017 UK General Election.

That said, I presume you want to see all over-£500 donations which fall into either of our registration periods, or during the regulated period for the 2017 Election (which stretched back to 9 June 2016). We will prepare a consolidated list based on that basis, unless you let me know otherwise, with the aim of getting it to you on Friday.

With regard to the £1,400 in 2015, I actually submitted it as a fully itemised return in the first place. The Electoral Commission then removed it from our return, as it was below the threshold for needing to be itemised. I can see from your note that it should then have been re-submitted as an 'aggregated' item. I think it's probably worth noting that I originally submitted it in full, and had correspondence with the Commission about it (I think [redacted] rang me about it, if I recall correctly), but if you would like me to do anything specific to ensure it is now correctly recorded as aggregated, do please let me know.

Regards

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 30 January 2018 at 16:08, [redacted] wrote:

Dear Alastair,

Thank you for your reply.

As I said in my original email response to Pamela's questions, the post-poll donations return *must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and* ***an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised****.*

As such, a donation of £1,400 towards regulated activity would indeed have been reportable in 2015 in this aggregate figure. A gift of £50 does not meet the criteria to be considered a donation.

We are asking for the full list of donations so we can conduct our own review to satisfy ourselves that nothing has been missed from past returns. We appreciate the information you have given, however we do still require the list to make our own review.

The dates reflect your periods of registration with the Commission – the first period of which began on 26 January 2015.

I appreciate you are concerned about the security of your data. However, the relevant staff are not in the Edinburgh office but here in London, and so it does need to come here. If you feel uncomfortable emailing it to us and want to use another method, such as a courier, then that would be fine. We do deal with large quantities of financial and other sensitive data, so you can have confidence in its security with us.

Kind regards,

[redacted]

From: Alastair Cameron [redacted]
Sent: 29 January 2018 13:55
To: [redacted]
Cc: [redacted] Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for your email, and particularly for confirming the Commission's view on our expenditure returns. On the FOI matter, I have been in correspondence with [redacted] who has been very helpful.

We are of course happy to provide any donor information that the Electoral Commission requires, but before we invest the time in producing a consolidated list as requested in your email, could you please let me know exactly why you need this information?

Almost all of our donations are not reportable, because they have not been given, for a specific electoral campaign purpose – a situation I have confirmed explicitly with Electoral Commission staff in 2015, 2016 and 2017. I can provide details of those confirmation exchanges, if that would help.

There are only two exceptions in terms of donor purpose/ instructions, both from 2015, when we received a cash donation of £1,400 and an in-kind donation of £50, each of which was given specifically for activities which we believe passed public and purpose tests. I can of course provide more information on these two donations (which are non-reportable by virtue of value, rather than intent), but I'm not sure what would be gained from our providing more detail on other non-reportable donations; hence my question above.

Notwithstanding the main point above, if we are still required to provide a list, I would be grateful if you could also clarify why these particular dates have been chosen.

We are keen to assist the Electoral Commission, but our supporters are quite rightly concerned about their information being shared, as there is a significant risk that they could be harassed or intimidated if this information gets out. This concern has been highlighted by a recent data theft from SIU. To that end, we have a responsibility to our supporters to know why their personal information is being requested, and to minimise the risk that it will be shared further. If we do still need to produce a list of non-reportable donations, I hope we can agree a way to share it which minimises that risk (e.g. perhaps I can show it to Electoral Commission staff in the Edinburgh office, rather than emailing it?).

I hope that all makes sense. If you could please reply as soon as possible to confirm the rationale for the request, and whether you do still need a list of non-reportable donations given the information above, then that would be much appreciated, as we will need some time to pull it together and ensure it is presented consistently.

Many thanks

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 26 January 2018 at 11:37, [redacted] wrote:

Dear Alastair,

Thanks for your reply.

Spending

Thank you for your detailed comments regarding your reporting of spending at the 2017 UK Parliamentary General Election (UKPGE).

We have concluded that – given your prompt steps to register with us, and desisting from further campaigning after the election was called – it would not be appropriate or proportionate to take any enforcement action in this regard.

Donations

Thanks too for submitting the nil donations return, which I can see has appeared in our system. To confirm, there was a reminder sent out to the responsible person of all non-party campaigners on 3 August 2017 to confirm the requirements of the post-election return.

We note that you have not reported to us any relevant reportable donations at this election, or at the other elections for which you were registered with us as an NPC (2015 UKPGE, 2016 Scottish Parliament). It does not appear that you submitted a donations return following the Scottish Parliament elections in 2016.

We need further information from you to satisfy ourselves that no relevant donations have been missed from the various reports submitted, and for your own assurance that you are complying with the rules appropriately.

To that end, we ask that you send us details of all donations received by Scotland in Union of above £500 in the period from 26 January 2015 to 8 June 2017, so that we can further assess this and ensure nothing reportable was missed. Please send these to us by no later than close of business on 2 February 2018.

This is not currently being formally assessed under our Enforcement Policy. However, depending on the information we receive, it may be that we do so in the future.

I understand you are also in touch with my colleague [redacted] about an FOI request, and she has requested any comments by Monday – I mention this just as a reminder so you don't confuse the two deadlines.

Kind regards,

[redacted]

[redacted]

Senior Financial Reporting Adviser

The Electoral Commission

3 Bunhill Row
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[redacted]

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From: Alastair Cameron [redacted]
Sent: 10 January 2018 21:30
To: [redacted]
Cc: [redacted]
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for your email, including for the answer to questions. In response to your two point raised towards the end of your mail:

1. 2017 General Election donations return

Based on guidance received from Electoral Commission officers, both in the run up to the 2017 General Election and when discussing previous elections, we do not have any donations which require to be reported for the 2017 General Election. I must apologise that I did not submit a formal nil return; this was purely an oversight, and I will rectify it via PEFonline as soon as possible. The only point I would like to add is that I do not recall having received a reminder, which might have been helpful, but that is a minor point, and I will submit our nil return straight away.

2. 2017 General Election expenditure total

a. At the time the snap General Election was announced, Scotland In Union was not registered with the Electoral Commission, as we were not anticipating any need to be registered until the run-up to the 2021 Scottish Parliament Election. As soon as the General Election was announced, we suspended the main parts of our on-going campaigning (which includes general campaigning about the benefits of the UK, as well as specific campaigning against another independence referendum, and does not touch on any party policies except for those which concern the union). We did this because we wanted to avoid confusion, and so that our supporters could feel free to campaign for their preferred party. Our announcement to this effect, made on 25 April 2017, can be found here: http://www.scotlandinunion.co.uk/election_statement . We intended playing no part in the Election, and indicated this to the Electoral Commission.

b. In subsequent discussions with the Electoral Commission, we agreed that we should register, and that we should complete an expenditure return. This was because the Electoral Commission officers with whom we discussed it said that we needed to go back a full year, and to consider which of our activities could possibly have influenced the election, even if we did not know there was going to be an election at the time of the activities. I did this exercise and submitted it, erring very much on the side of over-reporting if in doubt. The reasons I felt comfortable erring on the side of over-reporting were:

(1) The published guidance for NPCs included *'We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.'*

(2) I had given an undertaking to Electoral Commission officers (specifically, [redacted] and Andy O'Neill, on 17 June 2017) that if in doubt we would include items in our return. I expected that the Electoral Commission would raise any issues or seek any clarification prior to publishing our return.

(3) In pure common-sense terms, allied with the guidance mentioned in point (1), I couldn't see how it would be practical for an organisation which had stopped campaigning as soon as the Election was announced to somehow 'rewind' expenditure which had taken place before the announcement.

c. I can say with some certainty that we over-reported, as I did not split invoices where some aspects were for our supporters only, or where there were split messages; and I also probably over-estimated staff cost allocation. To illustrate by example, I counted in full some electronic billboards we ran back in 2016, which contained a mixture of generic pro-UK messages (certainly unregulated) and no-indyref2 messages (potentially regulated); I also counted in full the value of merchandise (badges and pens) which mostly went to our supporters, rather than the public, and which carried no message other than our logo and website. To consider the impact of this over-reporting, last night I reviewed the spreadsheet which I used in order to calculate our submission and made a rough estimate that if I had taken a very narrow view of expenditure reporting requirements, the total would have been about £44,000. I would be very happy to share the breakdown of this £44,000, if that would be helpful. However, as explained above, I believe there we should not be overly concerned with this, because of the points made above about not being able to 'rewind'.

d. The only other point I would make in this regard is that I submitted our expenditure return on 16 July 2017, to be as prompt as possible, and subsequently have engaged in discussions with Electoral Commission officers with regard to staff costs. At no point prior to now did anyone from the Electoral Commission raise any concern about the total reported.

I hope this helps you, and any others in the Electoral Commission who may be looking into this matter, to understand the situation. I would like to conclude by reiterating that our dealings with the Electoral Commission to date have always been extremely open and helpful, and I've always seen the Commission as a regulator who helps groups like SIU to do the right thing, rather than waiting for them to do the wrong thing. I believe we have made every effort to

comply with both the letter and the spirit of all relevant regulations, and I am sure that the Electoral Commission will recognise this.

Please don't hesitate to get back to me and Pamela if you have any further questions.

Many thanks

Alastair

Alastair Cameron

Director

Scotland in Union

[redacted]

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On 9 January 2018 at 13:18, [redacted] wrote:

Dear Alastair,

I am writing to you as Responsible Person for Scotland in Union. I am copying in Pamela Nash as she raised some questions with us on Friday – which you can see below this email. Please be aware that we aim to respond to straightforward queries to our advice service within five working days, and we have done so in this instance.

In response to Pamela's questions:

Reporting requirements

There are different requirements for registered non-party campaigners to report donations to the Commission.

Pamela's first bullet point seems to relate to what we call "pre-poll reporting" in respect of the 2017 general election. Registered non-party campaigners must report to us donations above £7,500 **received** in weekly periods in the immediate run up to a UK Parliamentary General Election. If a non-party campaigner has no relevant donations to report, then there is no requirement to submit nil pre-poll reports.

The relevant reporting periods and deadlines for these pre-poll reports for June 2017 were:

Weekly reporting period	Reporting period dates	Deadline for submission
Week 1	3 May to 9 May	16 May 2017
Week 2	10 May to 16 May	23 May 2017
Week 3	17 May to 23 May	30 May 2017
Week 4	24 May to 30 May	6 June 2017
Week 5	31 May to 6 June	13 June 2017
Week 6	7 June to 8 June	15 June 2017

There is also a requirement to complete a post-poll donations return, which requires registered non-party campaigners to provide more information than just these high value donations in the immediate run-up to the election. This post-poll donation return must accompany the non-party campaigner's spending return. It must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised. If a non-party campaigner has nothing to report, a nil return is still required.

In respect of June 2017, registered non-party campaigners had to report to the Commission all donations received towards regulated campaign activity during the regulated period, which ran from 9 June 2016 to 8 June 2017. In the case of Scotland in Union, this was due to be reported to us on 8 September 2017 with your spending return.

Auction prizes

Pamela also asked about auction prizes. When the NPC receives a prize for auction either without charge or at a non–commercial discount, this counts as a donation to you if:

- the value of the prize, if the item is given free of charge exceeds £500, or,
- the amount of the discount exceeds £500.

If the item is given free of charge, the amount of the donation will be the value of the item. If the item is given at a discount, the amount of the donation will be the value of the discount.

A further donation is made to you if the buyer pays more than the prize is worth, and if the difference between the item's worth and what the buyer pays is more than £500.

If the winner pays the full value of the item when acquiring an auction prize, no donation has been received at that point. If the successful bid for the auction prize is at or below the value of the prize, no donation has been made. If the successful bid for the auction prize is more than £500 above the value of the prize, then a further donation has been made.

You do not offset the costs of the event. We have a specific guidance document on auction prizes here.

Donation return for the June 2017 general election

You will be aware of media reports alleging that donations received by Scotland in Union have not been reported in line with the rules.

We do not appear to have received a donations report from you as part of your spending return for the June 2017 election. Failing to deliver one may constitute a criminal offence. Consequently, **you must complete this return as a matter of urgency and by 16 January 2018 at the latest.**

You can complete it on our online system, PFR Online, which I know you have used before, or on a PDF (form / explanatory notes). We will publish any relevant donations to ensure transparency.

The reporting requirements for this return go beyond what Pamela has set out as her understanding below, and you should pay careful attention to ensure you report any relevant donations in full. In addition to the clarification given above, you can read our guidance here.

Depending on the information you provide, please be aware that we may take further action under our Enforcement Policy.

Finally, in the course of checking the spending returns, we note that you have reported spending of £73,818 in Scotland in the regulated period for the 2017 UKPGE. The spending limit for NPCs in Scotland was £55,400, so on the face of it you appear to have exceeded this limit. We are reviewing this matter in line with our Enforcement Policy, and we may be in further contact with you if necessary. If you wish to comment on this also by 16 January we will take these into account.

With regards,

[redacted]

[redacted]

Senior Financial Reporting Adviser

The Electoral Commission

3 Bunhill Row
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From: Pamela Nash [redacted]
Sent: 05 January 2018 12:32
To: [redacted]
Subject: In Confidence

Dear [redacted]

I understand that you have previously advised our Executive Director on our registration requirements. I would be grateful if you confirm the following points:

- The dates during which it is required that non-party campaigners report their donations over a certain value for the General Election 2017 (I understand this to be 3rd May 2017 to 8th June 2017).
- The exact threshold of donation to be reported to the Electoral Commission during the election period (I understand this is over £7500, donations of £7500 and under do not need to be reported).

I would be grateful if you could also clarify the rules around successful auctions bids at fundraising events for non-party campaigners. We have not received any in the reporting periods, but I am interested to know how they should be recorded (is the whole bid considered a donation by the Electoral Commission or should costs of the event where the auction is taking place and the cost of the prize be removed) ? If the auction item is donated, are both the value of the donation and the successful bid considered donations?

Thank you for your advice.

Best wishes

Pamela

Pamela Nash

Chief Executive

Scotland in Union

[redacted]

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Think I hit the wrong button and it only went to [redacted]

[redacted]

From: [redacted]
Sent: 19 February 2018 11:01
To: [redacted]
Subject: RE: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Happy with that.

[redacted]

From: [redacted]
Sent: 19 February 2018 11:00
To: [redacted]
Subject: RE: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

I'm happy with that [redacted]

From: [redacted]
Sent: 19 February 2018 10:54
To: [redacted]
Subject: FW: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi all, drafted the following for Alastair, if anyone has any comments/amends? Be good to get this out today if possible.

Dear Alastair,

Thank you for the information you have provided in response to our enquiries.

We note that there was one donation of £1,560 that should have been reported in 2015 as part of an aggregate figure, and that you initially reported this as an itemised individual donation. When this was removed from the return's individual items, it should have been re-added to the return in the aggregate column. We recognise there was some confusion about this, and we note you had taken steps to report this to us. As such, we do not consider this warrants any action other than to update the public register to include this donation in your 2015 return, which we will do over the next few days. This will not be itemised using the individual's details, but will appear as part of an aggregate figure of donations between £500-£7,500.

Regarding the nil donations returns in 2016 and 2017, this is a reminder that we expect you to complete a donations report as part of a complete expenditure return after any relevant election. This includes a statement of nil donations received, where applicable. We trust you will take note of this for any future elections you may campaign at.

If you have any questions about this email, or if you need any advice about donations or any aspect of campaigning, you can contact me this week.. Please note that I am leaving the Commission at the end of this week, but after that emails or calls to the Commission's Political Finance advice service on 0333 103 1928, or by email at pef@electoralcommission.org.uk will be picked up by another member of the team.

Kind regards,
[redacted]

From: Alastair Cameron [redacted]
Sent: 18 February 2018 21:24
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello [redacted]

I've now returned from holiday, and I hope you don't mind me asking whether you think you will have any further questions. We have a Directors' meeting on Monday evening, at which I would like to give a further update on your enquiries, so if you were able to respond shortly, that would be very helpful.

Many thanks
Alastair

Alastair Cameron
Director
Scotland in Union
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On 9 February 2018 at 17:11, [redacted] wrote:
Thanks Alastair. If I have any follow up questions, I appreciate you'll be away so it may be a little while before you can respond.

Kind regards
[redacted]

From: Alastair Cameron [redacted]
Sent: 09 February 2018 17:04

To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for getting back to me. If you need to contact me next week, I will be checking emails occasionally – but I may not be able to respond in detail as I will not have my PC with me.

One thing I need to highlight to you anyway: I have just checked again the information I provided to you last Friday, and I have found an error which I made while consolidating our data. Four people [redacted] are shown as 'one-off' donors, but in fact they each gave to SIU on more than one occasion. Their total amounts remain the same. I have attached an updated version of the information, with the changes in red text (just changes to start and end dates) – my apologies for the need to make this change, but having noticed the error I thought I should amend it straight away. (Password remains the same.)

With regard to your specific questions:

1. We ask for donations in a variety of ways, whether that's generally (for example on our website and social media), or face to face (individually, or at events). We have consistently asked people to support us for three main reasons: so that we can continue to make a positive case for Scotland in the UK; so that we can help to prevent another referendum on independence within the 'once in a generation' timeframe; and so that we can be ready for another referendum campaign if one was called.

We have not asked for donations to be given for regulated activities: donations are given for the general costs of the organisation and our campaign, and particularly the need for professional staff. We seek donations to enable our staff to be secure in their jobs, so that they can focus their energies on the case for Scotland being in the UK rather than looking around for supplementary work. To be clear, with the exception that I have previously outlined (the donation funding an aerial banner), we have not sought or received donations over £500 intended for campaigning in any election.

2. The focus groups were carried out for us by [redacted], in late January and early February 2016. The main aim was to identify broad long-term themes which SIU could use in telling the story of why Scotland should be part of the UK; there was a secondary aim to test awareness of SIU's brand and to gauge reactions to our name and logo. We used the output to inform our overall strategy, and to plan for activity in the medium term. One of our Vice Chairs, who was helping us to fundraise at the time, asked [redacted] who was his contact, to assist us with the cost of the focus groups, as it was a significant outlay at the time (total cost was c£25,000, so the donation only covered part of the cost).

3. The information relating to auction prizes and bids that I have supplied you with is from two different events: one in September 2016 in Edinburgh, and the other in March 2017 in Aberdeen. At the time of each of these, we were not (and had no reason to be) registered with the Electoral Commission, and there was no prospect of an election until 2021. Prizes were donated from personal contacts of SIU directors and supporters. Bidding for the prizes happened on the night at each event, and of course all guests were encouraged to bid by speeches from various people. Donors would have expected the money to be spent on SIU's non-regulated activity well in advance of any election, given that the next one was expected in 2021.

I hope these responses help, and are answering your questions as you expect. If you have any further questions or concerns, do please let me know. We have frequently sought guidance from the Commission in the past, and consistently tried to act in accordance with that guidance, so I hope you can be satisfied to that effect.

Kind regards
Alastair

Alastair Cameron
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On 8 February 2018 at 11:40, [redacted] wrote:
Dear Alastair,

Thanks for your reply and for the note.

It would be useful to understand more about your procedures when soliciting/accepting donations. What discussions do you have with prospective donors about what their money will be used for?

On a separate point, we note that [redacted] gave £5000 in kind towards the cost of focus groups in March 2016. Could you give us more information about the focus groups – who ran them, the subject matter, and what the work was used for, and how [redacted] came to contribute to the costs?

We note that many of your donations relate to auctions, whether this is the donation of prizes or of winning bids above the market value. Can you please provide us with information as to how these donations came to be made and whether they relate to one event (we are aware of an auction in September 2016) or several events?

Kind regards,
[redacted]

From: Alastair Cameron [redacted]
Sent: 07 February 2018 11:48

To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

I hope this finds you well. Apologies for perhaps appearing impatient, but I thought I would get in touch to let you know that I am on holiday from the end of this week, and therefore if you do have any further questions, might you be able to let me know as soon as practical (and/ or to wait for any answers until the week after next)?

Of course, we are very keen to do anything which helps the Commission to reach a conclusion, as you no doubt have seen the press saying 'Scotland in Union is under investigation', which is harmful to the organisation's reputation and is causing stress and distraction for our staff.

One thing which did occur to me, based on the recent Freedom Of Information requests and responses, was that you do not have a note of the meeting of 19th June between me, [redacted] and Andy, so I thought it might be helpful to provide my note of that meeting, which I wrote on 23rd June.

The note, attached, was intended for our internal use only, so some of the language may be less formal than that which I would have used for external consumption (and my apologies to Andy for not recalling his name at the time when I wrote the note!). That said, I thought it might still be helpful to provide it.

Specifically with reference to donations and the 2017 Election, for example, it includes my note that I checked about donation reporting for SIU, as a non-party campaign group with mostly non-regulated spending - this feels relevant to me, and adds to the previous email exchanges on that subject, from 2015 and 2016.

I hope this is helpful, and I look forward to hearing from you in due course.

Kind regards
Alastair

Alastair Cameron
Director
Scotland in Union
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On 2 February 2018 at 15:55, Alastair Cameron [redacted] wrote:
Great, thanks for confirming.

Have a good weekend.
Alastair

Alastair Cameron
Director
Scotland in Union
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On 2 February 2018 at 15:50, [redacted] wrote:
Thanks Alastair, I was just calling you back as you called [redacted].

I can open the spreadsheet no problem.

Kind regards,
[redacted]

From: Alastair Cameron [redacted]
Sent: 02 February 2018 15:41
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

As requested, please find attached a password-protected spreadsheet with a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given. Do please let me know if you have any questions about the data.

I mentioned previously that we had only one donation which was reportable, in 2015, and we corresponded about the events which led to our not reporting it as an aggregated sum in 2015. I recalled that it was for £1,400, but now that I have checked properly, I can see that the donation was actually for £1,560 - you will see it in the attached list.

As discussed, I will provide the password to the spreadsheet by phone. I call your number shortly.

Regards
Alastair

Alastair Cameron
Director
Scotland in Union
[redacted]
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On 2 February 2018 at 10:17, [redacted] wrote:
Hi Alastair,

Thank you – yes that's the right number for me. If for whatever reason you can't reach me, I'll give you my colleague [redacted] number as a backup – [redacted]

Thanks
[redacted]

From: Alastair Cameron [redacted]
Sent: 01 February 2018 21:00
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello again, [redacted]

We're on track to share with you tomorrow (Friday), as requested, a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given, as well as noting whether donations were given for a specific purpose.

I would like to send this as a password-protected spreadsheet, and to provide the password via another means rather than email. To that end, is there a phone number which I could use to advise you of the password, once the spreadsheet is on its way? Is [redacted] the right number to use, for example?

Thanks
Alastair

Alastair Cameron
Director
Scotland in Union
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On 30 January 2018 at 16:37, Alastair Cameron [redacted] wrote:
Thanks, [redacted]

We have actually been registered twice, with a gap in between.
1. Our first registration began on 26 January 2015, for the 2015 UK General Election, and was automatically extended until the 2016 Scottish Parliament Election, after which it lapsed, on 5 May 2016. This lapsing made sense at the time, as there was no election due until 2021.
2. We registered again on 26 May 2017, for the 2017 UK General Election.

That said, I presume you want to see all over-£500 donations which fall into either of our registration periods, or during the regulated period for the 2017 Election (which stretched back to 9 June 2016). We will prepare a consolidated list based on that basis, unless you let me know otherwise, with the aim of getting it to you on Friday.

With regard to the £1,400 in 2015, I actually submitted it as a fully itemised return in the first place. The Electoral Commission then removed it from our return, as it was below the threshold for needing to be itemised. I can see from your note that it should then have been re-submitted as an 'aggregated' item. I think it's probably worth noting that I originally submitted it in full, and had correspondence with the Commission about it (I think [redacted] rang me about it, if I recall correctly), but if you would like me to do anything specific to ensure it is now correctly recorded as aggregated, do please let me know.

Regards

Alastair

Alastair Cameron
Director
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On 30 January 2018 at 16:08, [redacted] wrote:
Dear Alastair,

Thank you for your reply.

As I said in my original email response to Pamela's questions, the post-poll donations return *must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and* ***an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised****.*

As such, a donation of £1,400 towards regulated activity would indeed have been reportable in 2015 in this aggregate figure. A gift of £50 does not meet the criteria to be considered a donation.

We are asking for the full list of donations so we can conduct our own review to satisfy ourselves that nothing has been missed from past returns. We appreciate the information you have given, however we do still require the list to make our own review.

The dates reflect your periods of registration with the Commission – the first period of which began on 26 January 2015.

I appreciate you are concerned about the security of your data. However, the relevant staff are not in the Edinburgh office but here in London, and so it does need to come here. If you feel uncomfortable emailing it to us and want to use another method, such as a courier, then that would be fine. We do deal with large quantities of financial and other sensitive data, so you can have confidence in its security with us.

Kind regards,
[redacted]

From: Alastair Cameron [redacted]
Sent: 29 January 2018 13:55
To: [redacted]
Cc: [redacted] Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for your email, and particularly for confirming the Commission's view on our expenditure returns. On the FOI matter, I have been in correspondence with Sarah, who has been very helpful.

We are of course happy to provide any donor information that the Electoral Commission requires, but before we invest the time in producing a consolidated list as requested in your email, could you please let me know exactly why you need this information?

Almost all of our donations are not reportable, because they have not been given, for a specific electoral campaign purpose – a situation I have confirmed explicitly with Electoral Commission staff in 2015, 2016 and 2017. I can provide details of those confirmation exchanges, if that would help.

There are only two exceptions in terms of donor purpose/ instructions, both from 2015, when we received a cash donation of £1,400 and an in-kind donation of £50, each of which was given specifically for activities which we believe passed public and purpose tests. I can of course provide more information on these two donations (which are non-reportable by virtue of value, rather than intent), but I'm not sure what would be gained from our providing more detail on other non-reportable donations; hence my question above.

Notwithstanding the main point above, if we are still required to provide a list, I would be grateful if you could also clarify why these particular dates have been chosen.

We are keen to assist the Electoral Commission, but our supporters are quite rightly concerned about their information being shared, as there is a significant risk that they could be harassed or intimidated if this information gets out. This concern has been highlighted by a recent data theft from SIU. To that end, we have a responsibility to our supporters to know why their personal information is being requested, and to minimise the risk that it will be shared further. If we do still need to produce a list of non-reportable donations, I hope we can agree a way to share it which minimises that risk (e.g. perhaps I can show it to Electoral Commission staff in the Edinburgh office, rather than emailing it?).

I hope that all makes sense. If you could please reply as soon as possible to confirm the rationale for the request, and whether you do still need a list of non-reportable donations given the information above, then that would be much appreciated, as we will need some time to pull it together and ensure it is presented consistently.

Many thanks
Alastair

Alastair Cameron
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On 26 January 2018 at 11:37, [redacted] wrote:
Dear Alastair,

Thanks for your reply.

Spending

Thank you for your detailed comments regarding your reporting of spending at the 2017 UK Parliamentary General Election (UKPGE).

We have concluded that – given your prompt steps to register with us, and desisting from further campaigning after the election was called – it would not be appropriate or proportionate to take any enforcement action in this regard.

Donations

Thanks too for submitting the nil donations return, which I can see has appeared in our system. To confirm, there was a reminder sent out to the responsible person of all non-party campaigners on 3 August 2017 to confirm the requirements of the post-election return.

We note that you have not reported to us any relevant reportable donations at this election, or at the other elections for which you were registered with us as an NPC (2015 UKPGE, 2016 Scottish Parliament). It does not appear that you submitted a donations return following the Scottish Parliament elections in 2016.

We need further information from you to satisfy ourselves that no relevant donations have been missed from the various reports submitted, and for your own assurance that you are complying with the rules appropriately.

To that end, we ask that you send us details of all donations received by Scotland in Union of above £500 in the period from 26 January 2015 to 8 June 2017, so that we can further assess this and ensure nothing reportable was missed. Please send these to us by no later than close of business on 2 February 2018.

This is not currently being formally assessed under our Enforcement Policy. However, depending on the information we receive, it may be that we do so in the future.

I understand you are also in touch with my colleague [redacted] about an FOI request, and she has requested any comments by Monday – I mention this just as a reminder so you don't confuse the two deadlines.

Kind regards,
[redacted]

[redacted]
Senior Financial Reporting Adviser
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From: Alastair Cameron [redacted]
Sent: 10 January 2018 21:30
To: [redacted]
Cc: [redacted]
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for your email, including for the answer to questions. In response to your two point raised towards the end of your mail:

1. 2017 General Election donations return

Based on guidance received from Electoral Commission officers, both in the run up to the 2017 General Election and when discussing previous elections, we do not have any donations which require to be reported for the 2017 General Election. I must apologise that I did not submit a formal nil return; this was purely an oversight, and I will rectify it via PEFonline as soon as possible. The only point I would like to add is that I do not recall having received a reminder, which might have been helpful, but that is a minor point, and I will submit our nil return straight away.

2. 2017 General Election expenditure total

a. At the time the snap General Election was announced, Scotland In Union was not registered with the Electoral Commission, as we were not anticipating any need to be registered until the run-up to the 2021 Scottish Parliament Election. As soon as the General Election was announced, we suspended the main parts of our on-going campaigning (which includes general campaigning about the benefits of the UK, as well as specific campaigning against another independence referendum, and does not touch on any party policies except for those which concern the union). We did this because we wanted to avoid confusion, and so that our supporters could feel free to campaign for their preferred party. Our announcement to this effect, made on 25 April 2017, can be found here: http://www.scotlandinunion.co.uk/election_statement . We intended playing no part in the Election, and indicated this to the Electoral Commission.

b. In subsequent discussions with the Electoral Commission, we agreed that we should register, and that we should complete an expenditure return. This was because the Electoral Commission officers with whom we discussed it said that we needed to go back a full year, and to consider which of our activities could possibly have influenced the election, even if we did not know there was going to be an election at the time of the activities. I did this exercise and submitted it, erring very much on the side of over-reporting if in doubt. The reasons I felt comfortable erring on the side of over-reporting were:

(1) The published guidance for NPCs included *'We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.'*
(2) I had given an undertaking to Electoral Commission officers (specifically, [redacted] and Andy O'Neill, on 17 June 2017) that if in doubt we would include items in our return. I expected that the Electoral Commission would raise any issues or seek any clarification prior to publishing our return.
(3) In pure common-sense terms, allied with the guidance mentioned in point (1), I couldn't see how it would be practical for an organisation which had stopped campaigning as soon as the Election was announced to somehow 'rewind' expenditure which had taken place before the announcement.

c. I can say with some certainty that we over-reported, as I did not split invoices where some aspects were for our supporters only, or where there were split messages; and I also probably over-estimated staff cost allocation. To illustrate by example, I counted in full some electronic billboards we ran back in 2016, which contained a mixture of generic pro-UK messages (certainly unregulated) and no-indyref2 messages (potentially regulated); I also counted in full the value of merchandise (badges and pens) which mostly went to our supporters, rather than the public, and which carried no message other than our logo and website. To consider the impact of this over-reporting, last night I reviewed the spreadsheet which I used in order to calculate our submission and made a rough estimate that if I had taken a very narrow view of expenditure reporting requirements, the total would have been about £44,000. I would be very happy to share the breakdown of this £44,000, if that would be helpful. However, as explained above, I believe there we should not be overly concerned with this, because of the points made above about not being able to 'rewind'.

d. The only other point I would make in this regard is that I submitted our expenditure return on 16 July 2017, to be as prompt as possible, and subsequently have engaged in discussions with Electoral Commission officers with regard to staff costs. At no point prior to now did anyone from the Electoral Commission raise any concern about the total reported.

I hope this helps you, and any others in the Electoral Commission who may be looking into this matter, to understand the situation. I would like to conclude by reiterating that our dealings with the Electoral Commission to date have always been extremely open and helpful, and I've always seen the Commission as a regulator who helps groups like SIU to do the right thing, rather than waiting for them to do the wrong thing. I believe we have made every effort to comply with both the letter and the spirit of all relevant regulations, and I am sure that the Electoral Commission will recognise this.

Please don't hesitate to get back to me and Pamela if you have any further questions.

Many thanks
Alastair

Alastair Cameron
Director
Scotland in Union
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On 9 January 2018 at 13:18, [redacted] wrote:
Dear Alastair,

I am writing to you as Responsible Person for Scotland in Union. I am copying in Pamela Nash as she raised some questions with us on Friday – which you can see below this email. Please be aware that we aim to respond to straightforward queries to our advice service within five working days, and we have done so in this instance.

In response to Pamela's questions:

Reporting requirements

There are different requirements for registered non-party campaigners to report donations to the Commission.

Pamela's first bullet point seems to relate to what we call "pre-poll reporting" in respect of the 2017 general election. Registered non-party campaigners must report to us donations above £7,500 **received** in weekly periods in the immediate run up to a UK Parliamentary General Election. If a non-party campaigner has no relevant donations to report, then there is no requirement to submit nil pre-poll reports.

The relevant reporting periods and deadlines for these pre-poll reports for June 2017 were:

Weekly reporting period	Reporting period dates	Deadline for submission
Week 1	3 May to 9 May	16 May 2017
Week 2	10 May to 16 May	23 May 2017
Week 3	17 May to 23 May	30 May 2017
Week 4	24 May to 30 May	6 June 2017
Week 5	31 May to 6 June	13 June 2017
Week 6	7 June to 8 June	15 June 2017

There is also a requirement to complete a post-poll donations return, which requires registered non-party campaigners to provide more information than just these high value donations in the immediate run-up to the election. This post-poll donation return must accompany the non-party campaigner's spending return. It must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised. If a non-party campaigner has nothing to report, a nil return is still required.

In respect of June 2017, registered non-party campaigners had to report to the Commission all donations received towards regulated campaign activity during the regulated period, which ran from 9 June 2016 to 8 June 2017. In the case of Scotland in Union, this was due to be reported to us on 8 September 2017 with your spending return.

Auction prizes

Pamela also asked about auction prizes. When the NPC receives a prize for auction either without charge or at a non–commercial discount, this counts as a donation to you if:

- the value of the prize, if the item is given free of charge exceeds £500, or,
- the amount of the discount exceeds £500.

If the item is given free of charge, the amount of the donation will be the value of the item. If the item is given at a discount, the amount of the donation will be the value of the discount.

A further donation is made to you if the buyer pays more than the prize is worth, and if the difference between the item's worth and what the buyer pays is more than £500.

If the winner pays the full value of the item when acquiring an auction prize, no donation has been received at that point. If the successful bid for the auction prize is at or below the value of the prize, no donation has been made. If the successful bid for the auction prize is more than £500 above the value of the prize, then a further donation has been made.

You do not offset the costs of the event. We have a specific guidance document on auction prizes here.

Donation return for the June 2017 general election

You will be aware of media reports alleging that donations received by Scotland in Union have not been reported in line with the rules.

We do not appear to have received a donations report from you as part of your spending return for the June 2017 election. Failing to deliver one may constitute a criminal offence. Consequently, **you must complete this return as a matter of urgency and by 16 January 2018 at the latest.**

You can complete it on our online system, PFR Online, which I know you have used before, or on a PDF (form / explanatory notes). We will publish any relevant donations to ensure transparency.

The reporting requirements for this return go beyond what Pamela has set out as her understanding below, and you should pay careful attention to ensure you report any relevant donations in full. In addition to the clarification given above, you can read our guidance here.

Depending on the information you provide, please be aware that we may take further action under our Enforcement Policy.

Finally, in the course of checking the spending returns, we note that you have reported spending of £73,818 in Scotland in the regulated period for the 2017 UKPGE. The spending limit for NPCs in Scotland was £55,400, so on the face of it you appear to have exceeded this limit. We are reviewing this matter in line with our Enforcement Policy, and we may be in further contact with you if necessary. If you wish to comment on this also by 16 January we will take these into account.

With regards,
[redacted]

[redacted]
Senior Financial Reporting Adviser
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From: Pamela Nash [redacted]
Sent: 05 January 2018 12:32
To: [redacted]
Subject: In Confidence

Dear [redacted]

I understand that you have previously advised our Executive Director on our registration requirements. I would be grateful if you confirm the following points:

- The dates during which it is required that non-party campaigners report their donations over a certain value for the General Election 2017 (I understand this to be 3rd May 2017 to 8th June 2017).
- The exact threshold of donation to be reported to the Electoral Commission during the election period (I understand this is over £7500, donations of £7500 and under do not need to be reported).

I would be grateful if you could also clarify the rules around successful auctions bids at fundraising events for non-party campaigners. We have not received any in the reporting periods, but I am interested to know how they should be recorded (is the whole bid considered a donation by the Electoral Commission or should costs of the event where the auction is taking place and the cost of the prize be removed) ? If the auction item is donated, are both the value of the donation and the successful bid considered donations?

Thank you for your advice.

Best wishes
Pamela

Pamela Nash
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FYI

From: [redacted]
Sent: 21 February 2018 15:04
To: [redacted]
Cc: [redacted]
Subject: FW: FW: FW: Scotland in Union: Your queries re donations, and reporting action required CCM:0316078

Hi [redacted]

You can see below the discussions [redacted] and I had. The short answer is that having reviewed the spreadsheet of donations received, and asked some follow up questions about their practices when soliciting donations, we decided it wasn't proportionate to pursue this further.

Basically re the 2017 UKPGE, we agreed from reviewing the donations spreadsheet they sent that none of these related to dates when the campaigner was registered/knew there was to be an election, and so there was nothing to report.

In 2015 they had reported one donation of approx. £1500. We removed this from the return as it didn't meet the threshold for individual reporting but should have been included as an aggregate figure. This should be on the register, but our judgment was that since they *did* report it to us, the only course of action we needed to take was to update the register to ensure this was published.

At 2016, we didn't have anything that suggested any donations were made in connection with regulated activity. We asked generally about their practices for soliciting donations, and there was one in kind donation we asked specifically about how it was gained and what it was used for, but ultimately we didn't consider there was anything that appeared to be a breach, or that it was proportionate to continue to use our resources to pursue this based on the information we had.

Happy to discuss this further after your meeting. Copied in [redacted] as well, as he is probably the best person to ask about this after Friday.

Thanks
[redacted]

From: [redacted]
Sent: 12 February 2018 16:03
To: [redacted]
Subject: RE: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi all

I think we are coming to the end of the road on this one – I agree with [redacted] that we should probably update the register re: the aggregate number, and that there does not seem to be the need for any further action beyond the words of advice we have already given about ensuring reporting even a nil return

I also agree with [redacted] that getting into a discussion about "developing long term narrative and assessing the logo etc feeding into any regulated activity, and confirming that the overall strategy and plan that resulted did not include any regulated activity" might be taking this a bit too far.

To use the terminology in our Enforcement Policy, I'm not sure pursuing this would be in the public interest and a justified use of resources.

[redacted] – any thoughts?

Thanks
[redacted]

From: [redacted]
Sent: 12 February 2018 15:51
To: [redacted]
Subject: RE: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi all,
On the face of it I can't see much. The 2016 focus group could be regulated, we could ask them to confirm the following based on their sentence

2. The focus groups were carried out for us [redacted], in late January and early February 2016. The main aim was to identify broad long-term themes which SIU could use in telling the story of why Scotland should be part of the UK; there was a secondary aim to test awareness of SIU's brand and to gauge reactions to our name and logo. We used the output to inform our overall strategy, and to plan for activity in the medium term. One of our Vice Chairs, who was helping us to fundraise at the time, asked [redacted] who was his contact, to assist us with the cost of the focus groups, as it was a significant outlay at the time (total cost was c£25,000, so the donation only covered part of the cost).

Can you please confirm that the information gathered from the focus group in developing the long term narrative and assessing the logo etc did not feed into any regulated activity. Can you please confirm that the overall strategy and plan that resulted did not include any regulated activity? This however seems a bit pedantic and a bit of a long shot and I am not sure pursuing it further is really in the public interest.

[redacted]

From: [redacted]
Sent: 09 February 2018 18:11
To: [redacted]
Subject: FW: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi all,

Please see below latest response to our questions to SIU.

RE: the auctions, these seem to be out of the scope as they were both pre-registration and before the election was called.

With the other two their argument is clearly that any donations were not reportable and that the focus groups were not regulated, I don't know if we want to pick up on this for more information or challenge this further? I'm not sure we have much here?

Taking their explanations at face value, it seems clear that there was indeed nothing to report in 2017. There was the one donation not reported in 2015 although they did originally report it and we removed it, though they should have subsequently put it in an aggregate number. Given that we removed it, I don't think this warrants any action, although we should probably update the register accordingly. They also didn't submit a donation report in 2016, but they say it would have been a nil. Again, if we do end up agreeing that the 2016 donations weren't regulated, I'm not sure the non-declaration warrants any action beyond the words of advice we have already given about ensuring you report even a nil return?

Thanks
[redacted]

From: Alastair Cameron [redacted]
Sent: 09 February 2018 17:04
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for getting back to me. If you need to contact me next week, I will be checking emails occasionally – but I may not be able to respond in detail as I will not have my PC with me.

One thing I need to highlight to you anyway: I have just checked again the information I provided to you last Friday, and I have found an error which I made while consolidating our data. Four people [redacted] are shown as 'one-off' donors, but in fact they each gave to SIU on more than one occasion. Their total amounts remain the same. I have attached an updated version of the information, with the changes in red text (just changes to start and end dates) – my apologies for the need to make this change, but having noticed the error I thought I should amend it straight away. (Password remains the same.)

With regard to your specific questions:

1. We ask for donations in a variety of ways, whether that's generally (for example on our website and social media), or face to face (individually, or at events). We have consistently asked people to support us for three main reasons: so that we can continue to make a positive case for Scotland in the UK; so that we can help to prevent another referendum on independence within the 'once in a generation' timeframe; and so that we can be ready for another referendum campaign if one was called.

We have not asked for donations to be given for regulated activities: donations are given for the general costs of the organisation and our campaign, and particularly the need for professional staff. We seek donations to enable our staff to be secure in their jobs, so that they can focus their energies on the case for Scotland being in the UK rather than looking around for supplementary work. To be clear, with the exception that I have previously outlined (the donation funding an

aerial banner), we have not sought or received donations over £500 intended for campaigning in any election.

2. The focus groups were carried out for us [redacted], in late January and early February 2016. The main aim was to identify broad long-term themes which SIU could use in telling the story of why Scotland should be part of the UK; there was a secondary aim to test awareness of SIU's brand and to gauge reactions to our name and logo. We used the output to inform our overall strategy, and to plan for activity in the medium term. One of our Vice Chairs, who was helping us to fundraise at the time, asked [redacted] who was his contact, to assist us with the cost of the focus groups, as it was a significant outlay at the time (total cost was c£25,000, so the donation only covered part of the cost).

3. The information relating to auction prizes and bids that I have supplied you with is from two different events: one in September 2016 in Edinburgh, and the other in March 2017 in Aberdeen. At the time of each of these, we were not (and had no reason to be) registered with the Electoral Commission, and there was no prospect of an election until 2021. Prizes were donated from personal contacts of SIU directors and supporters. Bidding for the prizes happened on the night at each event, and of course all guests were encouraged to bid by speeches from various people. Donors would have expected the money to be spent on SIU's non-regulated activity well in advance of any election, given that the next one was expected in 2021.

I hope these responses help, and are answering your questions as you expect. If you have any further questions or concerns, do please let me know. We have frequently sought guidance from the Commission in the past, and consistently tried to act in accordance with that guidance, so I hope you can be satisfied to that effect.

Kind regards
Alastair

Alastair Cameron
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On 8 February 2018 at 11:40, [redacted] wrote:
Dear Alastair,

Thanks for your reply and for the note.

It would be useful to understand more about your procedures when soliciting/accepting donations. What discussions do you have with prospective donors about what their money will be used for?

On a separate point, we note that [redacted] gave £5000 in kind towards the cost of focus groups in March 2016. Could you give us more information about the focus groups – who ran them, the subject matter, and what the work was used for, and how [redacted] came to contribute to the costs?

We note that many of your donations relate to auctions, whether this is the donation of prizes or of winning bids above the market value. Can you please provide us with information as to how these donations came to be made and whether they relate to one event (we are aware of an auction in September 2016) or several events?

Kind regards,
[redacted]

From: Alastair Cameron [redacted]
Sent: 07 February 2018 11:48
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

I hope this finds you well. Apologies for perhaps appearing impatient, but I thought I would get in touch to let you know that I am on holiday from the end of this week, and therefore if you do have any further questions, might you be able to let me know as soon as practical (and/ or to wait for any answers until the week after next)?

Of course, we are very keen to do anything which helps the Commission to reach a conclusion, as you no doubt have seen the press saying 'Scotland in Union is under investigation', which is harmful to the organisation's reputation and is causing stress and distraction for our staff.

One thing which did occur to me, based on the recent Freedom Of Information requests and responses, was that you do not have a note of the meeting of 19th June between me, [redacted] and Andy, so I thought it might be helpful to provide my note of that meeting, which I wrote on 23rd June.

The note, attached, was intended for our internal use only, so some of the language may be less formal than that which I would have used for external consumption (and my apologies to Andy for not recalling his name at the time when I wrote the note!). That said, I thought it might still be helpful to provide it.

Specifically with reference to donations and the 2017 Election, for example, it includes my note that I checked about donation reporting for SIU, as a non-party campaign group with mostly non-regulated spending - this feels relevant to me, and adds to the previous email exchanges on that subject, from 2015 and 2016.

I hope this is helpful, and I look forward to hearing from you in due course.

Kind regards

Alastair

Alastair Cameron
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On 2 February 2018 at 15:55, [redacted] wrote:
Great, thanks for confirming.

Have a good weekend.
Alastair

Alastair Cameron
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On 2 February 2018 at 15:50, [redacted] wrote:

Thanks Alastair, I was just calling you back as you called [redacted]

I can open the spreadsheet no problem.

Kind regards,
[redacted]

From: Alastair Cameron [redacted]
Sent: 02 February 2018 15:41
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

As requested, please find attached a password-protected spreadsheet with a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given. Do please let me know if you have any questions about the data.

I mentioned previously that we had only one donation which was reportable, in 2015, and we corresponded about the events which led to our not reporting it as an aggregated sum in 2015. I recalled that it was for £1,400, but now that I have checked properly, I can see that the donation was actually for £1,560 - you will see it in the attached list.

As discussed, I will provide the password to the spreadsheet by phone. I call your number shortly.

Regards
Alastair

Alastair Cameron
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On 2 February 2018 at 10:17, [redacted] wrote:
Hi Alastair,

Thank you – yes that's the right number for me. If for whatever reason you can't reach me, I'll give you my colleague [redacted] number as a backup – [redacted]

Thanks
[redacted]

From: Alastair Cameron [redacted]
Sent: 01 February 2018 21:00
To: [redacted]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello again, [redacted]

We're on track to share with you tomorrow (Friday), as requested, a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given, as well as noting whether donations were given for a specific purpose.

I would like to send this as a password-protected spreadsheet, and to provide the password via another means rather than email. To that end, is there a phone number which I could use to advise you of the password, once the spreadsheet is on its way? Is [redacted] the right number to use, for example?

Thanks
Alastair

Alastair Cameron
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On 30 January 2018 at 16:37, Alastair Cameron [redacted] wrote:
Thanks, [redacted]

We have actually been registered twice, with a gap in between.

1. Our first registration began on 26 January 2015, for the 2015 UK General Election, and was automatically extended until the 2016 Scottish Parliament Election, after which it lapsed, on 5 May 2016. This lapsing made sense at the time, as there was no election due until 2021.
2. We registered again on 26 May 2017, for the 2017 UK General Election.

That said, I presume you want to see all over-£500 donations which fall into either of our registration periods, or during the regulated period for the 2017 Election (which stretched back to 9 June 2016). We will prepare a consolidated list based on that basis, unless you let me know otherwise, with the aim of getting it to you on Friday.

With regard to the £1,400 in 2015, I actually submitted it as a fully itemised return in the first place. The Electoral Commission then removed it from our return, as it was below the threshold for needing to be itemised. I can see from your note that it should then have been re-submitted as an 'aggregated' item. I think it's probably worth noting that I originally submitted it in full, and had correspondence with the Commission about it (I think [redacted] rang me about it, if I recall correctly), but if you would like me to do anything specific to ensure it is now correctly recorded as aggregated, do please let me know.

Regards
Alastair

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On 30 January 2018 at 16:08, [redacted] wrote:
Dear Alastair,

Thank you for your reply.

As I said in my original email response to Pamela's questions, the post-poll donations return *must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and* ***an aggregate figure of all donations***

***received of values between £500 and £7,500, the details of which do not need to be further itemised**.*

As such, a donation of £1,400 towards regulated activity would indeed have been reportable in 2015 in this aggregate figure. A gift of £50 does not meet the criteria to be considered a donation.

We are asking for the full list of donations so we can conduct our own review to satisfy ourselves that nothing has been missed from past returns. We appreciate the information you have given, however we do still require the list to make our own review.

The dates reflect your periods of registration with the Commission – the first period of which began on 26 January 2015.

I appreciate you are concerned about the security of your data. However, the relevant staff are not in the Edinburgh office but here in London, and so it does need to come here. If you feel uncomfortable emailing it to us and want to use another method, such as a courier, then that would be fine. We do deal with large quantities of financial and other sensitive data, so you can have confidence in its security with us.

Kind regards,
[redacted]

From: Alastair Cameron [redacted]
Sent: 29 January 2018 13:55
To: [redacted]
Cc: [redacted] Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for your email, and particularly for confirming the Commission's view on our expenditure returns. On the FOI matter, I have been in correspondence with [redacted] who has been very helpful.

We are of course happy to provide any donor information that the Electoral Commission requires, but before we invest the time in producing a consolidated list as requested in your email, could you please let me know exactly why you need this information?

Almost all of our donations are not reportable, because they have not been given, for a specific electoral campaign purpose – a situation I have confirmed explicitly with Electoral Commission staff in 2015, 2016 and 2017. I can provide details of those confirmation exchanges, if that would help.

There are only two exceptions in terms of donor purpose/ instructions, both from 2015, when we received a cash donation of £1,400 and an in-kind donation of £50, each of which was given specifically for activities which we believe passed public and purpose tests. I can of course provide more information on these two donations (which are non-reportable by virtue of value, rather than intent), but I'm not sure what would be gained from our providing more detail on other non-reportable donations; hence my question above.

Notwithstanding the main point above, if we are still required to provide a list, I would be grateful if you could also clarify why these particular dates have been chosen.

We are keen to assist the Electoral Commission, but our supporters are quite rightly concerned about their information being shared, as there is a significant risk that they could be harassed or intimidated if this information gets out. This concern has been highlighted by a recent data theft from SIU. To that end, we have a responsibility to our supporters to know why their personal information is being requested, and to minimise the risk that it will be shared further. If we do still need to produce a list of non-reportable donations, I hope we can agree a way to share it which minimises that risk (e.g. perhaps I can show it to Electoral Commission staff in the Edinburgh office, rather than emailing it?).

I hope that all makes sense. If you could please reply as soon as possible to confirm the rationale for the request, and whether you do still need a list of non-reportable donations given the information above, then that would be much appreciated, as we will need some time to pull it together and ensure it is presented consistently.

Many thanks
Alastair

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On 26 January 2018 at 11:37, [redacted] wrote:
Dear Alastair,

Thanks for your reply.

Spending

Thank you for your detailed comments regarding your reporting of spending at the 2017 UK Parliamentary General Election (UKPGE).

We have concluded that – given your prompt steps to register with us, and desisting from further campaigning after the election was called – it would not be appropriate or proportionate to take any enforcement action in this regard.

Donations

Thanks too for submitting the nil donations return, which I can see has appeared in our system. To confirm, there was a reminder sent out to the responsible person of all non-party campaigners on 3 August 2017 to confirm the requirements of the post-election return.

We note that you have not reported to us any relevant reportable donations at this election, or at the other elections for which you were registered with us as an NPC (2015 UKPGE, 2016 Scottish Parliament). It does not appear that you submitted a donations return following the Scottish Parliament elections in 2016.

We need further information from you to satisfy ourselves that no relevant donations have been missed from the various reports submitted, and for your own assurance that you are complying with the rules appropriately.

To that end, we ask that you send us details of all donations received by Scotland in Union of above £500 in the period from 26 January 2015 to 8 June 2017, so that we can further assess this and ensure nothing reportable was missed. Please send these to us by no later than close of business on 2 February 2018.

This is not currently being formally assessed under our Enforcement Policy. However, depending on the information we receive, it may be that we do so in the future.

I understand you are also in touch with my colleague [redacted] about an FOI request, and she has requested any comments by Monday – I mention this just as a reminder so you don't confuse the two deadlines.

Kind regards,
[redacted]

[redacted]
Senior Financial Reporting Adviser
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From: Alastair Cameron [redacted]
Sent: 10 January 2018 21:30

To: [redacted]
Cc: [redacted]
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Dear [redacted]

Thank you for your email, including for the answer to questions. In response to your two point raised towards the end of your mail:

1. 2017 General Election donations return

Based on guidance received from Electoral Commission officers, both in the run up to the 2017 General Election and when discussing previous elections, we do not have any donations which require to be reported for the 2017 General Election. I must apologise that I did not submit a formal nil return; this was purely an oversight, and I will rectify it via PEFonline as soon as possible. The only point I would like to add is that I do not recall having received a reminder, which might have been helpful, but that is a minor point, and I will submit our nil return straight away.

2. 2017 General Election expenditure total

a. At the time the snap General Election was announced, Scotland In Union was not registered with the Electoral Commission, as we were not anticipating any need to be registered until the run-up to the 2021 Scottish Parliament Election. As soon as the General Election was announced, we suspended the main parts of our on-going campaigning (which includes general campaigning about the benefits of the UK, as well as specific campaigning against another independence referendum, and does not touch on any party policies except for those which concern the union). We did this because we wanted to avoid confusion, and so that our supporters could feel free to campaign for their preferred party. Our announcement to this effect, made on 25 April 2017, can be found here: http://www.scotlandinunion.co.uk/election_statement . We intended playing no part in the Election, and indicated this to the Electoral Commission.

b. In subsequent discussions with the Electoral Commission, we agreed that we should register, and that we should complete an expenditure return. This was because the Electoral Commission officers with whom we discussed it said that we needed to go back a full year, and to consider which of our activities could possibly have influenced the election, even if we did not know there was going to be an election at the time of the activities. I did this exercise and submitted it, erring very much on the side of over-reporting if in doubt. The reasons I felt comfortable erring on the side of over-reporting were:

> (1) The published guidance for NPCs included *'We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.'*
> (2) I had given an undertaking to Electoral Commission officers (specifically, [redacted] and Andy O'Neill, on 17 June 2017) that if in doubt we would include items in our return. I expected that the Electoral Commission would raise any issues or seek any clarification prior to publishing our return.
> (3) In pure common-sense terms, allied with the guidance mentioned in point (1), I couldn't see how it would be practical for an organisation which had stopped campaigning as soon as the Election was announced to somehow 'rewind' expenditure which had taken place before the announcement.

c. I can say with some certainty that we over-reported, as I did not split invoices where some aspects were for our supporters only, or where there were split messages; and I also probably over-estimated staff cost allocation. To illustrate by example, I counted in full some electronic billboards we ran back in 2016, which contained a mixture of generic pro-UK messages (certainly unregulated) and no-indyref2 messages (potentially regulated); I also counted in full the value of merchandise (badges and pens) which mostly went

to our supporters, rather than the public, and which carried no message other than our logo and website. To consider the impact of this over-reporting, last night I reviewed the spreadsheet which I used in order to calculate our submission and made a rough estimate that if I had taken a very narrow view of expenditure reporting requirements, the total would have been about £44,000. I would be very happy to share the breakdown of this £44,000, if that would be helpful. However, as explained above, I believe there we should not be overly concerned with this, because of the points made above about not being able to 'rewind'.

d. The only other point I would make in this regard is that I submitted our expenditure return on 16 July 2017, to be as prompt as possible, and subsequently have engaged in discussions with Electoral Commission officers with regard to staff costs. At no point prior to now did anyone from the Electoral Commission raise any concern about the total reported.

I hope this helps you, and any others in the Electoral Commission who may be looking into this matter, to understand the situation. I would like to conclude by reiterating that our dealings with the Electoral Commission to date have always been extremely open and helpful, and I've always seen the Commission as a regulator who helps groups like SIU to do the right thing, rather than waiting for them to do the wrong thing. I believe we have made every effort to comply with both the letter and the spirit of all relevant regulations, and I am sure that the Electoral Commission will recognise this.

Please don't hesitate to get back to me and Pamela if you have any further questions.

Many thanks
Alastair

Alastair Cameron
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On 9 January 2018 at 13:18, James Douglas [redacted] wrote:

Dear Alastair,

I am writing to you as Responsible Person for Scotland in Union. I am copying in Pamela Nash as she raised some questions with us on Friday – which you

can see below this email. Please be aware that we aim to respond to straightforward queries to our advice service within five working days, and we have done so in this instance.

In response to Pamela's questions:

Reporting requirements

There are different requirements for registered non-party campaigners to report donations to the Commission.

Pamela's first bullet point seems to relate to what we call "pre-poll reporting" in respect of the 2017 general election. Registered non-party campaigners must report to us donations above £7,500 **received** in weekly periods in the immediate run up to a UK Parliamentary General Election. If a non-party campaigner has no relevant donations to report, then there is no requirement to submit nil pre-poll reports.

The relevant reporting periods and deadlines for these pre-poll reports for June 2017 were:

Weekly reporting period	Reporting period dates	Deadline for submission
Week 1	3 May to 9 May	16 May 2017
Week 2	10 May to 16 May	23 May 2017
Week 3	17 May to 23 May	30 May 2017
Week 4	24 May to 30 May	6 June 2017
Week 5	31 May to 6 June	13 June 2017
Week 6	7 June to 8 June	15 June 2017

There is also a requirement to complete a post-poll donations return, which requires registered non-party campaigners to provide more information than just these high value donations in the immediate run-up to the election. This post-poll donation return must accompany the non-party campaigner's spending return. It must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised. If a non-party campaigner has nothing to report, a nil return is still required.

In respect of June 2017, registered non-party campaigners had to report to the Commission all donations received towards regulated campaign activity during the regulated period, which ran from 9 June 2016 to 8 June 2017. In the case of Scotland in Union, this was due to be reported to us on 8 September 2017 with your spending return.

Auction prizes

Pamela also asked about auction prizes. When the NPC receives a prize for auction either without charge or at a non–commercial discount, this counts as a donation to you if:

- the value of the prize, if the item is given free of charge exceeds £500, or,
- the amount of the discount exceeds £500.

If the item is given free of charge, the amount of the donation will be the value of the item. If the item is given at a discount, the amount of the donation will be the value of the discount.
A further donation is made to you if the buyer pays more than the prize is worth, and if the difference between the item's worth and what the buyer pays is more than £500.
If the winner pays the full value of the item when acquiring an auction prize, no donation has been received at that point. If the successful bid for the auction prize is at or below the value of the prize, no donation has been made. If the successful bid for the auction prize is more than £500 above the value of the prize, then a further donation has been made.
You do not offset the costs of the event. We have a specific guidance document on auction prizes here.

Donation return for the June 2017 general election

You will be aware of media reports alleging that donations received by Scotland in Union have not been reported in line with the rules.

We do not appear to have received a donations report from you as part of your spending return for the June 2017 election. Failing to deliver one may constitute a criminal offence. Consequently, **you must complete this return as a matter of urgency and by 16 January 2018 at the latest.**

You can complete it on our online system, PFR Online, which I know you have used before, or on a PDF (form / explanatory notes). We will publish any relevant donations to ensure transparency.

The reporting requirements for this return go beyond what Pamela has set out as her understanding below, and you should pay careful attention to ensure you report any relevant donations in full. In addition to the clarification given above, you can read our guidance here.

Depending on the information you provide, please be aware that we may take further action under our Enforcement Policy.

Finally, in the course of checking the spending returns, we note that you have reported spending of £73,818 in Scotland in the regulated period for the 2017 UKPGE. The spending limit for NPCs in Scotland was £55,400, so on the face of it you appear to have exceeded this limit. We are reviewing this matter in line with our Enforcement Policy, and we may be in further contact with you if necessary. If you wish to comment on this also by 16 January we will take these into account.

With regards,

[redacted]

[redacted]
Senior Financial Reporting Adviser
The Electoral Commission
3 Bunhill Row
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From: Pamela Nash [redacted]
Sent: 05 January 2018 12:32
To: [redacted]
Subject: In Confidence

Dear [redacted]

I understand that you have previously advised our Executive Director on our registration requirements. I would be grateful if you confirm the following points:

- The dates during which it is required that non-party campaigners report their donations over a certain value for the General Election 2017 (I understand this to be 3rd May 2017 to 8th June 2017).
- The exact threshold of donation to be reported to the Electoral Commission during the election period (I understand this is over £7500, donations of £7500 and under do not need to be reported).

I would be grateful if you could also clarify the rules around successful auctions bids at fundraising events for non-party campaigners. We have not received any in the reporting periods, but I am interested to know how they should be recorded (is the whole bid considered a donation by the Electoral Commission or should costs of the event where the auction is taking place and the cost of the prize be removed) ? If the auction item is donated, are both the value of the donation and the successful bid considered donations?

Thank you for your advice.

Best wishes
Pamela

Pamela Nash
Chief Executive
Scotland in Union
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Scotland in Union look forward to welcoming you to our Burns Night in Glasgow on 2nd February 2017, get your tickets here!

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[redacted]

From: [redacted]
Sent: 27 March 2018 12:15
To: [redacted] Press
Subject: RE: [redacted] has shared 'SIU statement'

Will do this now [redacted] and let you know.

Thanks,
[redacted]

From: [redacted]
Sent: 27 March 2018 11:58
To: Press
Cc: [redacted]
Subject: [redacted] has shared 'SIU statement'

Hi guys

We're due to publish an FOI regarding Scotland in Union in the morning. Given that the FOI reveals we are taking no further action in regard to the allegations relating to Scotland in Union we are going to put up a statement on the website which we can point to if asked about it. I don't have privileges to upload press statements so could someone upload the linked file and tee it up to publish after midnight tonight? Can you let me know when it is in hand.

Thanks

[redacted]

Open SIU statement.docx

Follow this document to get updates in your newsfeed.

[redacted]

From: [redacted]
Sent: 13 March 2018 09:31
To: [redacted] Louise Edwards
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Brilliant! Thanks

[redacted]

From: [redacted]
Sent: 13 March 2018 09:14
To: Louise Edwards
Cc: [redacted]
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Great, thanks. Amended para below.

[redacted]

The Commission has concluded its review of an allegation that donations to Scotland in Union, a registered non-party campaigner, may not have complied with the reporting requirements for donations. The Commission is satisfied that Scotland in Union complied with the reporting requirements for donations as set out in the Political Parties, Elections and Referendums Act 2000.

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We have moved – please note our new address

From: Louise Edwards
Sent: 13 March 2018 09:12
To: [redacted]
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Hi
I'm happy to use 'allegation' as that's the factually accurate word. In terms of "did not fail" I suppose we could say "…Scotland in Union complied with the reporting requirements set out in [PPERA]"…? Ie, they didn't report any.
Thanks
Louise

From: [redacted]
Sent: 12 March 2018 16:01
To: [redacted]; Louise Edwards
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Hi guys, some feedback from Craig on the bit that says 'did not fail' is a double negative. I've tried to see if I can come up with something else but I m worried that any changes may impact the rest of the statement or the allegation itself!!
Not sure if anyone has any advice on this !??!?!

[redacted]

From: [redacted]
Sent: 12 March 2018 15:42
To: [redacted] Louise Edwards; Andy O'Neill; [redacted]
Cc: Craig Westwood; [redacted]
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Thanks [redacted] just bringing Craig in so he can see what statement we would be putting up on our website. And including [redacted] who will be able to upload the statement to the website once the FOI response has been issued. As discussed, no plan to proactively tweet the statement, however, we'll monitor what's being said on social media and if it's helpful to direct people to the statement, we can do that.

Cheers [redacted]

From: [redacted]
Sent: 12 March 2018 15:33
To: Louise Edwards; Andy O'Neill; [redacted]
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Louise

In preparation for finalising this FOI I've just been looking at the statement again and I'm questioning whether we should use the word 'allegations' or - at the minimum - whether we should change it to 'allegation' in the singular. While there was speculation in a number of press / blog outlets we only received one communication about it – from Wings over Scotland – by which point we were already looking at it. In this sense, I'm not sure that the plural of 'allegations' applies?

I know that this may sound as though I am splitting hairs but I'm mindful of being consistent about language across cases. In case helpful, the relevant paragraph in the statement is here:

The Commission has concluded its review of allegations that donations to Scotland in Union, a registered non-party campaigner, may not have complied with the reporting requirements for donations. The Commission is satisfied that Scotland in Union did not fail to report donations as required by the Political Parties, Elections and Referendums Act 2000.

Grateful for your thoughts.

Thanks

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From: Louise Edwards
Sent: 08 March 2018 10:33
To: [redacted]; Andy O'Neill; [redacted]
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Hi

Yes and yes to your questions.

Thanks

Louise

From: [redacted]
Sent: 07 March 2018 15:48

To: Andy O'Neill; Louise Edwards; [redacted]
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Thanks all.

Louise – on the question you raised about used vs given the guidance says (my emphasis) "The rules cover all donations that are **given** towards your spending on regulated campaign activity."

On the statement itself, [redacted] and I were thinking that we would put it on our website but would only point to it if asked. Are you OK with this?

I did intend to give SIU a heads up on what we would say (but not invite any edits). Again, is this OK?

Also, I should note that [redacted] did the do most of the work on this so I don't want to take any credit that he's due.

The FOI team have given us an extension on this so I expect to have this ready for sign off early next week.

Thanks

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From: Andy O'Neill
Sent: 07 March 2018 15:22
To: Louise Edwards; [redacted]
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

I thought you'd sign off as allocated to you but we did the work for you. Or at least [redacted] did for which I also add my thanks.

Andy

Andy O'Neill
Head of Electoral Commission, Scotland
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We have moved – please note our new address

From: Louise Edwards
Sent: 07 March 2018 14:53
To: [redacted]
Cc: Andy O'Neill
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Hi
I'm happy with the idea of a statement, but I agree it should not be issued proactively. I've made some amends to the statement itself – see attached. There's one point I'm not sure on and I've added a comment. Will we be telling SIU about the statement in advance?
Given this was originally in my team but picked up by Scotland (for which thanks!) as [redacted] is away who is signing off the FOI? Me or Andy?
Thanks
Louis

From: [redacted]
Sent: 07 March 2018 13:54
To: [redacted]
Cc: Louise Edwards; Andy O'Neill
Subject: RE: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Thanks [redacted] Looks good to me. Have just added a line at the end which we normally do with enforcement stuff in case someone produces something, to say that should any new evidence come to light, we would consider in line with our Enforcement Policy.

[redacted]

From: [redacted]
Sent: 07 March 2018 12:24
To: [redacted]
Cc: Louise Edwards; Andy O'Neill; [redacted]
Subject: FOI 020/18 - Correspondance with Scotland in Union - Preemptive statement?

Hi both
As you will be aware, we have had a further FOI request regarding any information generated about Scotland in Union between 7 January and 9 February this year. I have picked this up from [redacted] while he is on leave. The FOI captures all of [redacted] correspondence with SIU along with our internal discussions. I'm conscious that the last time we released info in relation to SIU to a journalist they chose to quote very selectively from it and we were slightly on the back foot in setting out why we had taken no further action on the 2017 UKPGE potential overspend. Consequently I thought it may be a good idea to publish a short statement on our website setting out why we have concluded our review into their donations to coincide with the release of the FOI. We would not send the statement proactively but we can point to it if asked by journalists and public.
I appreciate that there may be no precedent for this but I think it would be helpful for us and also fair to SIU to do this. I've had a stab at drafting something below but appreciate this is not my area of expertise and it could probably be significantly improved by more expert colleagues.
Could you let me know asap whether in principle you support the idea of us putting up a short statement and, if so, could you have a look at the draft below and make comments?
The FOI is due for release tomorrow. However, I'm still having some discussions with SIU about the information to be released and personal data aspects so I've flagged to the FOI team that we might not meet the deadline. I think better to miss it and handle the response well than rush to meet the deadline and have unexpected consequences.
Either way, grateful for thoughts asap.
All the best
[redacted]
p.s. In case helpful, documents that will likely be released are all contained in a file here

Draft Statement

Following press speculation about donations to Scotland in Union, on 5 January 2018 the Commission confirmed that we were reviewing the matter. That review has now concluded with no further action required.
The Commission looked specifically at whether any single donations of over £7,500 to Scotland in Union should have been reported to the Commission. For donations to a non-party campaigner to be reportable, they must be given for the purposes of spending on regulated campaign activity during

the regulated period prior to an election or referendum. Regulated campaign activity is any activity reasonably regarded as intended to influence people to vote for or against one or more political parties, or any particular category of candidates; and is also public facing.
Money given to a non-party campaigner for general purposes, rather than specifically to fund regulated campaign activity, is not covered by the rules on donations.
The Commission has reviewed the donations given to Scotland in Union since their inception in 2015 and we do not believe that they have any reportable donations over £7,500. We did, however, find that they should have submitted a nil donation return after the 2016 Scottish Parliament election and the 2017 UK Parliament election and have provided advice and guidance to ensure they do so in future.
Should further information come to light, the Commission would consider this in line with its Enforcement Policy.

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[redacted]

From: [redacted]
Sent: 05 March 2018 12:14
To: 'Alastair Cameron'
Cc: Pamela Nash
Subject: RE: Further Freedom of Information request

Categories: Transferred to Skynet

Dear Alistair

Thank you for your swift response. [redacted]

In regards to the note, while it may have been an internal document, because you shared it with us it is now information that we hold so we would need to release it. In order to redact any information from it, we would need to be satisfied that an exemption applied and I'm not sure that anything other than the exemption of personal data (which has already been redacted) applies. Please let me know if you think a different exemption applies.

We will make clear that we reviewed the matter and that we never opened an investigation.

Best wishes

[redacted]

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We have moved – please note our new address

From: Alastair Cameron [redacted]
Sent: 02 March 2018 17:42

To: [redacted]
Cc: Pamela Nash
Subject: Re: Further Freedom of Information request

Thank you, [redacted] I hope you and your colleagues are not too inconvenienced by the weather, as well.

We are happy for this correspondence to be published.

In response to the further points you have mentioned, we agree that the spreadsheet of donations and the names of donors contained within these emails must be redacted as personal data. Given that under the regulations, and as confirmed with the Commission having seen the donations, none of the donations need to be declared and no individuals need to be named; we are of the view that to provide those names and amounts would not be appropriate and would breach those individuals' right to privacy. We hope and expect that the spreadsheet and names will not be released. Please let me know as soon as possible if your lawyers have a different opinion, as we would in that case seek advice ourselves.

Also included is a note on a meeting that I had with the Electoral Commission on 19th June 2017 that I provided for your records, as it had previously been highlighted that your record of the meeting had been destroyed. This was an internal Scotland in Union document that also includes notes to staff. Could you please confirm whether that should be released? If it were to be released, I would like to suggest some further reactions, as some notes were intended for our staff rather than as a record of the meeting.

We are grateful that the Electoral Commission will make clear that there is no ongoing review of Scotland in Union's donations. I would also be grateful if it made clear that we have never been under any formal enforcement investigation; and that having reviewed all of our donations the Electoral Commission has concluded that all of our donations are in accordance with Electoral Commission guidelines; and that the matter has now been concluded (as per emails on 19th February). If these points are not clear in the response, the response could allow for misleading reporting, in that a journalist might describe SIU as being, or having been. under investigation.

I hope that all makes sense, and do please let me know your thoughts on these points.

Kind regards
Alastair

Alastair Cameron
Director
Scotland in Union
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On 2 March 2018 at 10:46, [redacted] wrote:

Dear Alastair

I hope you are well and not affected by the snow.

We've had another FOI request in respect to any information we hold about Scotland in Union which has been generated between 7 January and 9 February 2018.

As noted previously, The FOI Act requires the Commission to disclose information in response to a request unless an exemption applies. There are two types of exemption in the FOI Act.

The first type is an 'absolute' exemption, whereby disclosure may be withheld if the information falls within the terms of the exemption in question. However, where the exemption in question is only covered by a 'qualified' exemption, we can only withhold the information if the balance of the public interest, in all the circumstances of the case, favours non-disclosure of the information.

In light of your interest in this information, we are informing you of this request. If you wish to notify us of any particular issues or considerations that you consider relevant to the question of disclosure of this information, please let me have written details of how, in your view, disclosure of the information would be harmful by Tuesday 06 March. This is to enable us to consider all relevant factors in taking a decision on whether the Freedom of Information Act 2000 requires this information to be disclosed.

T help your consideration I have attached the correspondence we have had with you which we think falls within the scope of the request. [redacted]

Given that we have now concluded our review of your donations we will ensure that the response includes a note to this effect.

All the best

[redacted]

[redacted]

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We have moved – please note our new address

[redacted]

From: [redacted]
Sent: 14 March 2018 10:16
To: 'Alastair Cameron'
Cc: Pamela Nash
Subject: RE: Statement on conclusion of the review

Dear Alastair

Thank you for your e-mail.

The Commission uses language very consistently in regard to whether we are conducting a review, an assessment or an investigation so we would not want to depart from that language on this occasion. Clearly, we are not in control of what journalists choose to write but we would be very clear, if asked, that this was not an investigation.

On review of the proposed statement we have noticed that we used 'allegations' in the plural when it should have been in the singular and have now made a slight edit to the first paragraph which now reads:

The Commission has concluded its review of an allegation that donations to Scotland in Union, a registered non-party campaigner, may not have complied with the reporting requirements for donations. The Commission is satisfied that Scotland in Union complied with the reporting requirements for donations as set out in the Political Parties, Elections and Referendums Act 2000.

I will let you know when we expect to release the information requested.

All the best

[redacted]

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We have moved – please note our new address

From: Alastair Cameron [redacted]
Sent: 12 March 2018 16:04

To: [redacted]
Cc: Pamela Nash
Subject: Re: Statement on conclusion of the review

Dear [redacted]

Thank you for sharing this; we hope that the statement will help to clarify the final position.

My main observation is that the use of 'concluded its review' could somehow be misinterpreted as SIU having been 'under investigation' by the Commission - indeed, we have previously seen some misleading press coverage to that effect. I don't know whether there is scope to reduce the risk of misinterpretation by choosing different wording or adding some clarification, but I hope you might consider this point when producing a final statement.

Kind regards
Alastair

Alastair Cameron
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On 12 March 2018 at 11:32, [redacted] wrote:

Dear Alastair

As you are aware, in response to an FOI request the Commission will this week be releasing correspondence between Scotland in Union and the Commission in relation to our review of your donations. Given that the review has concluded after the FOI re changes we want to be as transparent as possible about the most up to date position and we will be posting the statement below on our website to coincide with the FOI release.

I trust you have no concerns with the statement but please let me know if so. We anticipate publishing the FOI response and the statement on Wednesday this week but I will alert you if this changes.

All the best

[redacted]

Statement on Scotland in Union

14 March 2018

The Commission has concluded its review of allegations that donations to Scotland in Union, a registered non-party campaigner, may not have complied with the reporting requirements for donations. The Commission is satisfied that Scotland in Union did not fail to report donations as required by the Political Parties, Elections and Referendums Act 2000.

Non-party campaigners are required to report any single donation of over £7,500 that is given for the purposes of spending on regulated campaign activity during the regulated period prior to an election or referendum. Regulated campaign activity is any activity reasonably regarded as intended to influence people to vote for or against one or more political parties, or any particular category of candidates; and is also public facing.

Money given to a non-party campaigner for general purposes, rather than specifically to fund regulated campaign activity, is not covered by the rules on donations.

Scotland in Union has been reminded of the rules in respect of delivering a donation return after elections.

Should further information come to light suggesting breaches of the rules, the Commission would consider this in line with its Enforcement Policy.

[redacted]

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