From: FOI
Sent: 26 July 2018 11:29
To: [redacted]
Subject: FOI 064/18 FOI Details of Correspondence - Response

Dear [redacted]

Our Ref: FOI 064/18

Thank you for your email to the Electoral Commission dated **14 April 2018**, received by the Commission on **16 April 2018.**

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

Due to the large number of attachments for this response, we have employed the use of our secure cloud-based document storage system 'Objective Connect'. You will receive an 'Invitation to **Objective Connect** Email Notification' (sent to the inbox of ([redacted]). This notification will contain a link to enable you to start using **Objective Connect**. Please find below details on how to access the specific area we have set up for your documents.

1. You will be prompted to set up your username and password. Your username will be your email address, and your password can be whatever you like.
2. With your username and password, enter both details at the login screen and click 'login'.
3. You will now see your personal page, which will show the Share **'FOI 064/18 – Details of Correspondence'.**
4. By clicking on the share, you will then find the folder 'supporting documentation'.
5. Within this folder you will find 30 documents which are relevant to the FOI request. You may view any of these documents by selecting the 'download' option, and then 'open'.
6. In addition you may download a copy to your personal computer by selecting the 'download' option and then 'save as'.

This service will be closed 1 month [**26 August 2018]** after the official response has been dispatched.

Your request is in bold below followed by our response.

You have requested:

1.
- any emails received or sent between electoral commission officials and mark gettleston

- any meeting dates between electoral commission officials and mark gettleston
- the agendas for any meetings between electoral commission officials and mark gettleston
- any minutes and full attendees lists of any meetings between electoral commission officials and Mark gettleston

2.
- any emails received or sent between electoral commission officials and Carole cadwalladr
- any meeting dates between electoral commission officials and Carole cadwalladr
- the agendas for any meetings between electoral commission officials and Carole cadwalladr
- any minutes and full attendees lists of any meetings between electoral commission officials and Carole cadwalladr

3.
- any emails received or sent between electoral commission officials and Chris wylie
- any meeting dates between electoral commission officials and Chris wylie
- the agendas for any meetings between electoral commission officials and Chris wylie
- any minutes and full attendees lists of any meetings between electoral commission officials and Chris wylie

4.
- any emails received or sent between electoral commission officials and shahmir sanni .
- any meeting dates between electoral commission officials and and shahmir sanni
- the agendas for any meetings between electoral commission officials and shahmir sanni
- any minutes and full attendees lists of any meetings between electoral commission officials and and shahmir sanni.

5.
- any emails received or sent between electoral commission officials and employees of Bindmans law firm.
- any meeting dates between electoral commission officials and employees of Bindmans law firm
- the agendas for any meetings between electoral commission officials and employees of Bindmans law firm.
- any minutes and full attendees lists of any meetings between electoral commission officials and employees of Bindmans law firm.

Our response is as follows:

We hold the information you have requested.

Please find enclosed copies of all relevant material with Bindmans LLP and Ms Carole Cadwalladr. The Commission has applied a section 31 exemption for your requests relating to Mr Wylie, Mr Sanni and Mr Gettleston as this information relates to our investigation into Vote Leave and other campaigners. More information on this and other exemptions applied to this request are below. You can find a copy of our investigation report into Vote Leave and other campaigners on our website here which contains a narrative of our interaction with Messrs Wylie, Sanni and Gettleson.

Exemptions under Section 31

Section 31(1)(g) of the FOI Act provides for exemption from disclosure of information which has been held at any time for a variety of law enforcement interests. For example, information may be exempt under section 31(1)(g) if its disclosure under the FOI Act would, or would be likely to, prejudice the prevention or detection of crime. The exemption under section 31(1)(g) is subject to the public interest test. We are satisfied that it is not in the public interest to release this information.

Exemptions under Section 40

You will notice that certain personal details have been redacted from the documents we are releasing. This redaction is necessary because section 40(2) and (3)(a) of the Freedom of Information Act 2000 (FOI) Act provides that personal data, where its disclosure would breach one of the data protection principles, is exempt from disclosure. The first data protection principle states that personal data must be processed fairly and lawfully. The Commission considers that it would be unfair to release the names and personal contact details of junior officials, who were not employed in public facing roles and did not act as spokespersons for their employer, as those individuals would have a reasonable expectation that this personal data would not be disclosed to the general public.

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 & DPA)
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The Electoral Commission

NOT FOR PUBLICATION

Ms Carole Cadwalladr
Guardian News and Media Limited
By email to:
[redacted]

CC:
[redacted], Editor-in-Chief, The Guardian and The Observer
[redacted]

26 June 2016

Dear Ms Cadwalladr

Request for information in respect of points raised about spending in the 2016 EU referendum campaign

I write further to our email exchanges between 24 May and 7 June this year, formally to request information from you and/or the Guardian News and Media Limited or its affiliated companies.

In a series of articles by you, published recently in the Guardian and Observer newspapers, you have made points about the transparency of campaign finance in the 2016 EU referendum, and the involvement of organisations and individuals based outside the UK in that campaign. You've also made specific statements that campaigners in the referendum may have worked together in their campaigns.

As you know, the Commission is the statutory regulator for the political finance rules in the Political Parties, Elections and Referendums Act 2000 (PPERA). The Commission works to ensure that there is transparency in party and election finance, so that people know where money comes from and how it is spent. We seek to ensure that the rules on political finance in PPERA are followed, and where appropriate we take enforcement action in respect of failures to follow those rules.

Certain points made in your articles fall outside the Commission's remit. But some appear to fall within it. In particular, you have made some points alleging that the

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campaign finance rules may not have been followed during the referendum campaign, including that the PPERA rules on joint spending by campaigners have been broken.

Formal request for information

The Commission has approached you to request any documentary or other information you hold that might be relevant to potential offences under PPERA, in order that we might review it. I understand that you are in discussion with the legal team at the Guardian. To date, however, we have not received any such information from you or the Guardian. Nor have we seen evidence to substantiate your points from any open sources. Consequently, to date we have no information to review to determine whether there is evidence to support the points made in your articles.

I am writing to request that you provide to the Commission any documentary or other information you hold, or that is held by the Guardian News and Media Limited or its affiliated companies, that constitutes evidence for the points raised in your articles in the Guardian and Observer newspapers in recent months alleging the political finance rules in PPERA were not followed in the financing of the 2016 EU referendum campaign.

I would be grateful if you could provide this material by **5pm on 10 July 2017**. I would be happy then to arrange a meeting to go through the material provided.

For the avoidance of doubt, I am not making this request as part of any ongoing investigation. If it transpires that information you hold is relevant to any ongoing investigation or warrants a new one, we can discuss the best method of putting that information into evidence for that purpose.

I look forward to hearing from you.

Yours sincerely

[redacted]

Louise Edwards
Head of Regulation
[redacted]

Many thanks for confirming. We will be responding shortly.

Regards,
[redacted]

From: Carole Cadwalladr [mailto [redacted]]
Sent: 22 February 2018 16:06
To: [redacted]
Subject: Re: FOI request relating to Vote Leave's Dominic Cummings

Hi [redacted],

Thank you for contacting me with regards to this. That looks fine.

Thanks and very best, Carole

On Thu, 22 Feb 2018 at 15:33, [redacted] wrote:

Dear Carol,

I am emailing you to inform you of a Freedom of Information request we have received which asks for internal correspondence we hold which mentions Vote Leave's Dominic Cummings.

We have identified an email chain in which you are included in part. As per the request, we will be releasing the attached correspondence.

Please let me know at the earliest opportunity if you have any comments or concerns about this release. My contact details are below.

Regards,

[redacted]

[redacted]

Senior Financial Reporting Adviser

Political Finance and Regulation

The Electoral Commission

3 Bunhill Row

London

EC1Y 8YZ

Tel: [redacted]

Fax: [redacted]

www.electoralcommission.org.uk

www.aboutmyvote.co.uk

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[redacted]

From: [redacted] <[redacted]>
Sent: 23 March 2018 15:56
To: [redacted]
Cc: [redacted]
Subject: RE: Aspire Special Womens and Lunch event

Many thanks for your email Mr [redacted] which I have passed on to my client.

Kind regards

[redacted]

[redacted] | Partner | Bindmans LLP
Public Law
[redacted] | [redacted] | [redacted]
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross

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From: [redacted] [mailto [redacted]@electoralcommission.org.uk]
Sent: 23 March 2018 15:41
To: [redacted]
Cc: [redacted]
Subject: RE: Aspire Special Womens and Lunch event

Dear Mr [redacted]

Thank you for your email of 2 March in response to our questions.

The Commission is aware that candidates may choose to campaign jointly with other candidates as part of their campaign for the May local elections.

If Cllr Ahmed chooses to campaign jointly with other candidates as part of his mayoral campaign we ask that either yourself or Cllr Ahmed please contact the Commission for further advice and guidance on this matter.

If you have any questions or require further clarification please do not hesitate to get in touch.

Kind regards,

[redacted]
Financial Reporting Adviser
The Electoral Commission
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yourvotematters.co.uk

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From: [redacted] [mailto:[redacted]
Sent: 02 March 2018 16:52
To: [redacted]
Cc: [redacted]
Subject: RE: Aspire Special Womens and Lunch event

Dear Mr [redacted],

It is correct that Cllr Ahmed was responsible for organising the Special Women's Lunch on 17 February 2018 and that its purpose was for fundraising for his mayoral campaign. It is also correct that from 20 February 2018 Cllr Ahmed joined Aspire and it is intended that he will be their official mayoral candidate for the election on 3 May 2018.

We are instructed that donations received at the event are held (where not used to cover the costs of the event) by Cllr Ahmed as donations to him as a mayoral candidate for the Tower Hamlets Mayoral Election, have been appropriately recorded, and will be dealt with in accordance with the relevant legislation and Electoral Commission guidance, and thus reported to the Commission as donations to Cllr Ahmed as a candidate where appropriate.

The donations are not held, managed or controlled centrally by Aspire, and Cllr Ahmed does not currently have any intention of transferring such donations to Aspire. Rather he will continue to hold donations (that were not used to cover the costs of the event) as a mayoral candidate.

Expenditure in connection with the event has also been recorded and will be accounted for and reported to the Commission as candidate expenditure where appropriate.

Cllr Ahmed is aware that he has separate obligations as a regulated donee.

We trust this is acceptable to the Commission. However, should the Commission have any views, comments or concerns, our client would be very grateful to receive them, as his primary concern is to ensure lawful compliance with election rules.

Kind regards

[redacted]

[redacted] | Partner | Bindmans LLP
Public Law
[redacted] | [redacted] | [redacted]
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross

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From: [redacted] [mailto:[redacted]@electoralcommission.org.uk]
Sent: 26 February 2018 17:28
To: [redacted]
Cc: [redacted]
Subject: RE: Aspire Special Womens and Lunch event

Dear Mr [redacted]

Thank you for your email of 16 February 2018 regarding your client, Cllr Ohid Ahmed, and the organisation of a Special Women's Lunch which I understand took place at The Atrium in Shoreditch on 17 February 2018.

You stated in your email that Cllr Ahmed was responsible for organising the event for the purposes of fundraising for his mayoral campaign. I note that your colleague, Mike Schwarz, also stated in his email to the Metropolitan Police on 16 February on behalf of Cllr Ahmed, that "the purpose of the event [was] to fundraise for our client's campaign to be mayor of Tower Hamlets, whether as an independent (as he currently is), or as a candidate for Aspire or another political party (should he be so appointed in the future)."

You state in your email of 22 February 2018 to my colleague, [redacted], that all Tower Hamlets Independence Group (THIG) councillors – including Cllr Ahmed - have since resolved to become members of Aspire. This decision was taken on 20 February 2018. As such, Cllr Ahmed has now become the mayoral candidate for Tower Hamlets on behalf of Aspire.

In light of this information, I would be grateful if you could please set out how Cllr Ahmed intends to account for any spending incurred or funds raised as part of the Special Women's Lunch.

Please can you respond no later than **5pm on Friday, 2 March 2018**.

If you have any questions or require further clarification please do not hesitate to get in touch.

Kind regards,

[redacted]
Financial Reporting Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
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yourvotematters.co.uk

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From: [redacted] [mailto:[redacted]
Sent: 16 February 2018 16:21
To: [redacted]
Cc: [redacted]
Subject: RE: Aspire Special Womens and Lunch event

Dear Madam or Sir,

I have been asked to respond on behalf of Aspire, for whom I act.

My client is very much aware of the rules relating to political donations, as demonstrated by its recent application for registration as a political party, which was accepted.

Your concerns appear to be based on inaccurate assumptions about Aspire's involvement in the event to which you refer. Aspire has no involvement in that event. It understands that the event is being organised by Councillor Ahmed (for whom this firm separately acts) for the purposes of fundraising for his mayoral campaign. Councillor Ahmed is not currently a candidate for or member of Aspire, albeit that he attended the launch of Aspire as a

guest. It may be that Councillor Ahmed joins and/or becomes a candidate for Aspire in due course, but that does not change the present circumstances, which are that Councillor Ahmed is an independent councillor.

We hope that this addresses question 1 of your email. Accordingly responses to questions 2 and 3 would appear to be unnecessary and, in any event, have been addressed in the email sent on behalf of Councillor Ahmed to the Metropolitan Police on which you were copied. However, for the avoidance of doubt, our client is not aware of any proper basis for the allegations in the "Love Wapping" article, which we would note is not part of the mainstream press. We are concerned that you appear to be acting in response to multiple hearsay 'evidence' from an unsubstantiated single 'source', not known to our client (or we presume to the Commission). We invite you also to treat such articles and sources with scepticism.

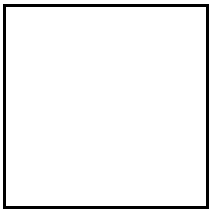
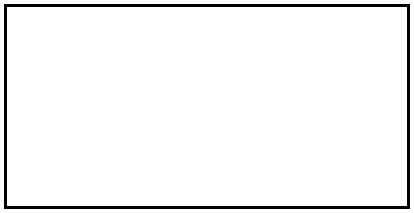
We trust this addresses any concerns of the Commission.

Kind regards

[redacted]

[redacted] | Partner | Bindmans LLP
Public Law
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---------- Forwarded message ----------
From: [redacted]" <[redacted]@electoralcommission.org.uk>
Date: 16 Feb 2018 9:59 am

Subject: Aspire Special Womens and Lunch event
To: [redacted]
Cc: [redacted]

Dear Mr Jahed Choudhury,

Re: Aspire Special Womens and Lunch

I write regarding the above event which the Commission has reason to believe may be held at The Atrium in Shoreditch on 17 February 2018.

Press reports indicate that Aspire may be involved in organising this event along with mayoral candidate, Councillor Ohid Ahmed. See, for example, this recent article from the Love Wapping website.

As you will be aware, there are rules that registered UK political parties must follow in relation to accounting for and reporting donations received and spending incurred.

As regulator, we require the following information to understand the arrangements for the above event and to provide assurance that any spending incurred or donations received will be reported and recorded correctly..

Please can you confirm the following:

1. Whether Aspire is running / has run an event as described in the Love Wapping article;

2. If so, what reasons does the party have to believe that the Electoral Commission requires it charge a £25 entry fee to attend the event; and

3. How Aspire intends to account for the funds used to finance the event, any spending the party incurs to organise the event and any funds it raises from the event.

Please can you respond no later than **5pm on Friday, 23 February 2018**.

If you have any further questions, or require any further clarification please do not hesitate to get in touch.

Kind regards,

[redacted]

Financial Reporting Adviser

The Electoral Commission

3 Bunhill Row
London EC1Y 8YZ
[redacted]

electoralcommission.org.uk

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[redacted]

From: [redacted]
Sent: 16 February 2018 15:53
To: [redacted]
Cc: [redacted]
Subject: FW: Councillor Ohid Ahmed - 'Special Womens Lunch' - URGENT and CONFIDENTIAL - Your reference 6562796/18
Attachments: Letter to Cllr Ahmed 15.02.18.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Madam / Sir,

Please see below in respect of our client Councillor Ohid Ahmed. The Metropolitan Police have suggested he also contacts the Electoral Commission, which is the purpose of this email, and we understand you are considering a related matter.

Kind regards

[redacted]

[redacted] | Partner | Bindmans LLP
Public Law
[redacted] | www.bindmans.com
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From: [redacted]
Sent: 16 February 2018 15:43
To: [redacted]
Cc: [redacted]
Subject: Councillor Ohid Ahmed - 'Special Womens Lunch' - URGENT and CONFIDENTIAL - Your reference 6562796/18

Dear Sir / Madam

We are advising Councillor Ohid Ahmed. He has shown us your letter dated 15th February about a proposed event tomorrow.

Your concerns appear to be based on inaccurate assumptions about the nature of the event. There is no proposal to provide 'free refreshments' and therefore your basis for suggesting that an offence may be committed under the RPA is misguided.

The event planned for 17 February 2018, is a personal ticketed fundraising event for our client's 2018 mayoral campaign. It is aimed at supporters and those likely to be sympathetic to our client. Individual tickets are priced at £10 (not the £25 per head you suggest) which includes entry and the costs for light refreshments. No entertainment will be provided. We understand that such events are common in political campaigns and do not normally attract the attention of the police (or the Electoral Commission).

We assume that the 'local media' you refer to is 'Lovewapping.org' (and their article 'A curious lunch invitation…'), but please confirm that this is the case. If this is the case, we are concerned that you appear to have acted in response to multiple hearsay 'evidence' from an unsubstantiated 'source', not known to our client. We invite you to treat such articles and sources with scepticism. We understand that this blog has a track record of posting articles hostile to our client, those associated with him and members of the Bangladeshi Muslim community. We also understand that our client's political opponents may be motivated to put out anonymised, but damaging and inaccurate, allegations against our client, in order to further their political interests and damage our client's at this important period in the electoral cycle for this community.

We are concerned by the comment in the final paragraph of your letter – that our client 'may wish to reconsider the arrangements for the event'. We trust that, with this letter to you, our client has provided the 'insight' you seek from him and that you will now recognise that it what is planned is legitimate, uncontroversial and an essential part of the democratic process.

We also note that you raise, without any substantiation, "concerns" regarding the "£25 per head admission fee" and obligations related to political donations under the Political Parties, Elections and Referendums Act 2000 (PPERA), in respect of both our client, Councillor Ahmed, and the Aspire political party (for whom we separately act). Without any further explanation of the basis for the concerns, our client is unable to respond beyond providing an assurance that he is very much aware of the requirements of PPERA and considers that he complied with, and will continue to comply with, those obligations. As to the Aspire political party, it is not involved in this event and our client is not currently a candidate for or member of Aspire. The purpose of the event is to fundraise for our client's campaign to be mayor of Tower Hamlets, whether as an independent (as he currently is), or as a candidate for Aspire or another political party (should he be so appointed in the future).

Accordingly we should be grateful if, by return, you would confirm that you are entirely satisfied with our client's explanation, the nature and purpose of the event, that it will be allowed to proceed unaffected by police action and that no action will be taken, afterwards, against our client, those organising the event or those attending it. Given the proximity of the event, we shall assume, unless we hear from you otherwise in writing, that this is the case.

We have copied this e-mail to the Electoral Commission for its information. We similarly assume that if we do not hear further from the Electoral Commission, it is content for our client to proceed with the proposed event.

We look forward to hearing from you. Please ensure you copy any response to all individuals copied on this email.

Yours faithfully

[redacted]
Bindmans LLP

----- Forwarded message -----
From: [redacted]
Cc:
Sent: Thu, 15 Feb 2018 at 19:29
Subject: Special Womens Lunch

Good Evening Mr Ahmed,

Please find enclosed a letter detailing concerns that have been raised to the police in relation to the Special Womens Lunch scheduled to take place on 17 February 2018.

We understand from the venue that you are the event organiser and we would therefore ask that you give consideration to the contents of this letter.

[redacted] on behalf of the Special Enquiry Team (SET)
SCO1 - Homicide and Major Crime Command

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[redacted] | Partner | Crime Fraud and Regulatory
Ext: 307 | [redacted]

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Specialist Crime and Operations

[redacted]
Detective Inspector

Special Enquiry Team
SCO1 Homicide and Major Crime Command
Room 205 - 3rd Floor
Jubilee House
230-232 Putney Bridge Rd
London
SW15 2PD

E-mail: [redacted]

Our Reference: [redacted]

Date: 15 February 2018

Councillor Ohid Ahmed

Via email:

Dear Councillor Ahmed,

Complaints made regarding a Special Womens Lunch to be held at The Atrium, Shoreditch on 17 February 2018

I am the Operational Head of the Metropolitan Police Service Special Enquiry Team (SET), a unit from the Homicide and Major Crime Command. My team has the responsibility for assessing allegations of crime relating to electoral fraud and malpractice.

We have recently received complaints regarding a lunch time event which you have organised, scheduled to take place on 17 February at The Atrium, 124-126 Cheshire Street, Shoreditch, London, E2 6EJ.

Two areas of concern have been raised with police about the proposed event.

The first relates to the potential for the criminal offence of Treating to be committed. By providing free refreshments at the lunch (as has been suggested by the local media) this may be considered to amount to a criminal offence under Section 114 of the Representation of the People Act 1983 (RPA) which relates to the offering of food, drink or entertainment to corruptly influence person(s) to vote or refrain from voting.

The second area of concern relates to the £25 per head admission fee to attend the event. Concerns have been raised surrounding potential donations, which, unless correctly accounted for may lead to offences under the electoral legislation as laid out in the Political Parties, Elections and Referendums Act 2000 (PPERA).

Whilst it is not the intention or purpose of police to interfere in the regulation of individuals or political parties, we do have a duty to prevent criminal offences occurring. We would therefore strongly advise that you consult with the Electoral Commission at the earliest opportunity to ensure that you have a clear understanding of both your own and the Aspire party's obligations in relation to donations under PPERA. We also strongly advise you that public perception surrounding this event is a serious issue and would therefore draw your attention to the potential for this event to be seen as a Treating offence under RPA.

In light of these issues and concerns that have been raised to police, you may wish to reconsider the arrangements for the event. That is entirely a matter for you. However the SET would seek to engage with you to gain some insight into the proposed event. Please contact myself or the Case Officer DC Jim Morrison on the details provided above in order that the concerns which I have outlined may be addressed and clarification provided.

Yours sincerely,

[redacted]

Detective Inspector - Special Enquiry Team

Hi Carole

Thanks for the update. This request isn't part of any ongoing investigation. Your articles make specific points about the PPERA rules, such as whether certain campaigners complied with the joint spending rules. I would like to invite you to provide us with any information you hold that constitutes evidence for these points, in order that we can consider whether it warrants action by us.

If it transpires that information you hold is relevant to any ongoing investigation or warrants a new one, we can discuss the best method of putting that information into evidence for that purpose.

With regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
electoralcommission.org.uk
yourvotematters.co.uk

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From: Carole Cadwalladr [redacted]
Sent: 02 June 2017 13:06
To: Louise Edwards
Subject: Re: EU referendum campaign donations and spending - Not for publication

Hi Louise,
Apologies for the delay getting back to you. Things have got complicated our end because of legal threats from Cambridge Analytica. I've been advise by the Guardian's head of legal to wait and see what transpires there, first.

But having said that, we have been compiling a timeline that puts together the open-source material in a chronological order. I can see about sharing that..but can I just confirm what the parameters are of your investigation? And what the extent of it will be?

Many thanks, Carole

On 2 June 2017 at 12:48, Louise Edwards [redacted] wrote:

Dear Carole

I wondered if you had been able to take advice on supplying evidence to us? For resource planning purposes, it would be helpful to have an indication, if you are able to provide any evidence, of when that might be.

I look forward to hearing from you.

With regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission

3 Bunhill Row
London EC1Y 8YZ
[redacted]

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yourvotematters.co.uk

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From: Carole Cadwalladr[redacted]
Sent: 24 May 2017 12:40
To: Louise Edwards
Subject: Re: EU referendum campaign donations and spending - Not for publication

Hi Louise,

Thanks for getting in touch.

I just need to talk to our head of legal services about any issues around me talking to you/supplying evidence.

Thanks and all best, Carole

On 24 May 2017 at 12:13, Louise Edwards [redacted]> wrote:

Dear Ms Cadwalladr

I am contacting you following your recent articles regarding the EU referendum campaign last year. The Electoral Commission, as I am sure you are aware, is the regulator for the political finance rules set out in the Political Parties, Elections and Referendums Act 2000 (PPERA). Certain of the points made in your articles fall

outside that regulatory remit, but you have made some points alleging that the PPERA rules have been broken.

As a statutory regulator, and one committed to regulating in a way that is effective, proportionate and fair, any enforcement action we take must be on the basis of evidence. Ultimately, that evidence must be admissible in court, as our determinations of offences under PPERA can be appealed to the county court, or Sheriff in Scotland. Your articles make specific points about the PPERA rules, such as whether certain campaigners complied with the joint spending rules. I would like to invite you to provide us with any information you hold that constitutes evidence for these points, in order that we can consider whether it warrants action by us.

In particular, I invite you to provide any documentary or other information you hold, in order that we might review it. I would be happy then to arrange an opportunity for us to meet to go through it.

For the avoidance of doubt, I am not approaching you as part of any ongoing investigation. If it transpires that information you hold is relevant to any ongoing investigation or warrants a new one, we can discuss the best method of putting that information into evidence for that purpose.

I look forward to hearing from you.

With regards

Louise Edwards

Louise Edwards
Head of Regulation
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Dear Ms Cadwalladr

Further to our recent email exchanges, please find attached a letter requesting information from you.

I look forward to hearing from you.

With regards

Louise Edwards

Louise Edwards
Head of Regulation
The Electoral Commission
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Dear Carole

Thanks for your email. In terms of the information requested may I refer you to my letter of 26 June, and in particular this paragraph: I am writing to request that you provide to the Commission any documentary or other information you hold, or that is held by the Guardian News and Media Limited or its affiliated companies, that constitutes evidence for the points raised in your articles in the Guardian and Observer newspapers in recent months alleging the political finance rules in PPERA were not followed in the financing of the 2016 EU referendum campaign.

I cannot say without seeing them whether the timeline or any other documentary evidence you hold falls within the scope of this request, but I would be happy to review them to determine that. I would emphasise that we are asking for any *evidence* you hold in relation to the points made in your articles relevant to the PPERA rules.

With any documentary or other information you are able to provide within the terms of the above request, I am happy to discuss the best way to ensure any sources are not revealed. Please let me know how best you think that can be achieved. As noted in my original requests, however, in order to ensure a meeting is effective and productive, I would prefer to have the opportunity to review any material and familiarise myself with it before meeting.

With regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
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From: Carole Cadwalladr [redacted]
Sent: 06 August 2017 16:01
To: Louise Edwards
Subject: Re: Information Request from the Electoral Commission - Not for publication

Hi Louise,

Apologies, I've been meaning to get in touch to clarify what information exactly you're seeking and how best to present it.

The timeline I was referring to includes details about all the times Cambridge Analytica says it was working for Leave.EU and all the times Leave.EU said it was working with Cambridge Analytica,

I also have the full documentation regarding the proprietary links between AggregateIQ and Cambridge Analytica, and of Robert Mercer's controlling financial interest in both. There is however a source identification with this, it may be best I let you see a hard copy of this in a meeting?

Do you also want a summary of the evidence I included in my articles? Or can you elucidate what you need from those?

Thanks, Carole

On 26 June 2017 at 15:41, Louise Edwards [redacted]> wrote:

Dear Carole

Thank you for your quick reply. If the timeline you mention provides all the information requested in the letter; then I would be happy to receive it in that way. If you do send it through I'd be grateful if you could please confirm whether that is your complete response.

With regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission

3 Bunhill Row
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From: Carole Cadwalladr [mailto:[redacted]
Sent: 26 June 2017 15:28
To: Louise Edwards
Subject: Re: Information Request from the Electoral Commission - Not for publication

Hi Louise,

Sorry for delay getting back to you.

I was going to share our timeline with you in the first instance. This is a google doc that sets out the chronology of some of the pieces of evidence etc.

Do you want to have a look at that first, and then take it from there?

Thanks, Carole

On 26 June 2017 at 15:21, Louise Edwards [redacted]> wrote:

Dear Ms Cadwalladr

Further to our recent email exchanges, please find attached a letter requesting information from you.

I look forward to hearing from you.

With regards

Louise Edwards

Louise Edwards
Head of Regulation
The Electoral Commission

3 Bunhill Row
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Dear Carole

Thanks for forwarding this. I have no record or recollection of receiving it. I'll ask our IT team to look into this because I'd like to know what happened. If you do send through updated documents I will acknowledge receipt so you will know they got to me.

We are not making an announcement at 3pm. Perhaps someone else?

Regards

[redacted]

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From: Carole Cadwalladr [redacted]]
Sent: 13 December 2017 13:37
To: Louise Edwards
Subject: Fwd: Submission regarding possible offences by campaigns during the referendum

Louise,
I sent this email with two attachments (that I have removed because I will update if I am re-sending). But you can see clearly here when it was sent and at what time. Are you really saying you never received this???

You're making an announcement at 3pm, I understand? Is it in any way relevant to this?

---------- Forwarded message ----------
From: **Carole Cadwalladr** [redacted]
Date: 19 October 2017 at 11:16
Subject: Submission regarding possible offences by campaigns during the referendum
To: Louise Edwards [redacted]

Hi Louise,

I had discussions with the Guardian's Head of Legal about how to respond to your request for information following the articles I published in the Observer but we didn't reach any firm conclusion and were then deflected by other matters.

I apologise, therefore, for the long delay in coming back to you. My position, essentially, is that I made public the information that I have so it was available to the Electoral Commission in this form.

However, I have laid this out in numbered points, attached supporting mostly open-source evidence, and added in a few more details that have come to light subsequently. If it is helpful for the Commission to see the documents that haven't been made public, this could be arranged.

As you may or may not be aware, I have been submitting FOI requests to try to understand more about why the Commission dropped its investigation into Vote Leave and the Vote Leave "family" of campaigns that all used AggregateIQ, and it's that has reminded me that I hadn't responded to your letter.

Very best wishes, Carole

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Dear Carole

Thank you for your email. I don't have any record of an email of 19 October – are you able to resend it to me? I would also mention that I have not received any further emails from you, as you indicate below you intend to write separately.

You may recall that in August I wrote to you making a request for any documentary or other information you hold, or that is held by the Guardian News and Media Limited or its affiliated companies, that constitutes evidence for the points raised in your articles in the Guardian and Observer newspapers in recent months alleging the political finance rules in PPERA were not followed in the financing of the 2016 EU referendum campaign.

I remain open to the receipt of this information. As previously indicated, I would be happy to meet to discuss it as well, although I would ask for copies of the information in advance so that I can familiarise myself with it.

You ask about our process for opening and conducting investigations. We have a published Enforcement Policy which explains how this works. In short, we assess evidence of breaches of the PPERA rules and, if we have reasonable grounds to suspect an offence or contravention and it is justified in the public interest, will conduct investigations. We have read your articles as they were published, but have not seen evidence in them that would cause us to open an investigation. That said, we continue to review allegations we receive about campaign finance in the EU referendum and will, if the evidence justifies it, continue to conduct investigations.

I am sure you will understand that it would not be appropriate for me to go into detail about the investigations we currently have underway. These need to proceed in line with our Enforcement Policy, and in a way that is both procedurally robust and fair.

I can, however, address the following points in your email:

- You are correct that we are not investigating the DUP in respect of services provided to them by Aggregate IQ. We have not seen evidence that would cause us to investigate.
- We do have an investigation open in respect of donations provided to referendum campaigners by Better for the Country Limited. You can read about it here.

With regards

[redacted]

[redacted]
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The Electoral Commission
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From: Carole Cadwalladr [redacted]
Sent: 05 December 2017 23:45
To: Louise Edwards
Subject: Submission to the Electoral Commission

Dear Louise,

Further to my correspondence of October 19, I am writing again to raise further issues.

I also note that I did not receive any acknowledgement that my email had been received or its contents noted.

I've just seen an email you sent on May 8, obtained via FOI, that references one of my articles:

https://www.documentcloud.org/documents/4053127-RE-in-the-News-Monday-8-May-1r8a4hio.html

You say that you are "struggling to get past some of the assertions to the evidence underpinning them".

As I have previously offered to the Commission, you are welcome to inspect any of the evidence and documents that I refer to. If you would like to inspect "the evidence underpinning them", I would be happy to share it with you as I have been at any time since they were published.

I am very pleased that you have opened further investigations into the referendum campaigns however I have a number of ongoing concerns that I will try to set down here and in further emails.

I had thought that by putting information into the public domain via my reporting, this would be taken into consideration by the commission in considering any next steps/further information it required. I now understand this is not the case and I would be grateful if you could help guide me through the process so that I can help furnish you with information/evidence that may be helpful in your inquiries.

Can I repeat: if you have any questions about issues raised in my article or would like to see evidence or hear more about the sources I interviewed, I happy to share this information.

I would like to address outstanding concerns I have that I have attempted to raise, both in the public domain through my series of reports and in communication with you.

1) While you are now investigating both Vote Leave and Leave.EU, you have not opened any official investigation into possible **co-ordination between Leave.EU and Vote Leave**. Or, from what I can see, tackled the **involvement of US hedge fund billionaire, Robert Mercer**.

In this article, published May 14, I set out evidence of a legal, proprietary link between AggregateIQ and Cambridge Analytica, the two data analytics firms that Leave.EU and Vote Leave used.

https://www.theguardian.com/technology/2017/may/14/robert-mercer-cambridge-analytica-leave-eu-referendum-brexit-campaigns

At the time both firms were **working together every day** on Ted Cruz's campaign in the US. **Employees and directors visited each other's offices**. They **shared a database**. What's more AggregateIQ had a **non-compete agreement**. Legally, AggregateIQ could not work for Vote Leave without the express permission of Cambridge Analytica's directors.

As I write in the article, Dominic Cummings' response to me that he found the firm "on the internet" just does not hold water. **The firm had no internet presence at the time**. It had never worked in UK politics. Furthermore, three senior members of his team knew about AggregateIQ's **longstanding, intimate and ongoing connection** to Cambridge Analytica, because **they had formerly worked for Cambridge Analytica**, including its chief technology officer, Thomas Borwick.

Have you asked AggregateIQ and Cambridge Analytica about legal, proprietorial links between them?

Have you asked AggregateIQ and Cambridge Analytica about a non-compete agreement between them?

Have you asked AggregateIQ if it was released from its non-compete agreement? And if so, on whose direction?

Have you asked AggregateIQ and Cambridge Analytica if there was any exchange or sharing of data during this period?

Have you asked AggregateIQ and Cambridge Analytica if its directors and/or employees and/or contractors were in communication with each other during the period before the referendum?

Have you asked AggregateIQ and Cambridge Analytica if any of their directors/employees/contractors visited each other's offices or held meetings with each other during this period?

Have you asked AggregateIQ and Cambridge Analytica if they shared any databases during this time?

Have you asked AggregateIQ and Cambridge Analytica who had access to these databases?

Have you asked AggregateIQ and Cambridge Analytica about their proprietorial links to Robert Mercer?

Have you asked AggregateIQ and Cambridge Analytica about work they undertook during this time that was paid for by Robert Mercer or funds, pacs, trusts associated with Robert Mercer or his family?

Have you asked Dominic Cummings how he found AggregateIQ "on the internet" when AggregateIQ did not have a website at the time?

Have you asked Dominic Cummings if he knew of AggregateIQ's relationship to Cambridge Analytica?

Have you asked Dominic Cummings if he knew that three senior members of the Vote Leave previously worked for Cambridge Analytica and had worked directly with AggregateIQ?

Have you asked Dominic Cummings if he knew about Robert Mercer's legal, proprietorial interest in AggregateIQ?

Have you asked Dominic Cummings if he was in receipt of any gift, or donation of services, from Robert Mercer or any Robert Mercer related fund, trust or company?

Have you asked Leave.EU and Vote Leave about meetings during which they discussed strategy prior to the regulated period?

Have you asked Leave.EU and Vote Leave what information was shared during these meetings?

Have you asked Leave. EU and Vote Leave if any data, or insights from data, target audiences, or any other matter relating to data was discussed at these meetings?

2) Vote Leave's donations to BeLeave and Veterans for Britain are now under investigation as is the question of whether the campaigns acted independently. A central piece of evidence is that Vote Leave, BeLeave & Veterans for Britain used the same Canadian data analytics firm, AggregateIQ. However, the **role of the DUP is not being examined**. Even though, it too **used the same Canadian data analytics firm, AggregateIQ.**

How did the DUP, Vote Leave, BeLeave & Veterans for Britain all end up using the same obscure Canadian data analytics based on an island off the west coast of Canada? Was that really a coincidence? Why was the DUP not named in the latest Vote Leave investigation?

It may have not been in direct receipts of funds from Vote Leave (though it may have been, that is the point about the unknown nature of its funders), but it is clear that if there is any co-ordination between Vote Leave, BeLeave & Veterans for Britain, it was also part of this.

Have you asked the DUP how it found AggregateIQ?

Have you asked the DUP how it came to use the same firm as Vote Leave, BeLeave and Veterans for Britain?

Have you asked the DUP to tell you who funded this data analytics work?

Have you asked the DUP what data it used to target voters via AggregateIQ?

Have you asked the DUP who did its data modelling?

Have you asked AggregateIQ if it firewalled the DUP's data analytics work from Vote Leave's, BeLeave's and Veterans for Leave?

3) Since you are now investigating the donation from Vote Leave to Veterans for Britain, I assume you are now scrutinising the rest of its return? There are a number of outstanding questions I have about its return that Veterans for Britain has been unwilling to answer.

Are the donations from Better for the Country Ltd also part of your investigation? What was the timing of these gifts? That information is incomplete according to the information you published on your website.

Is there any explanation for the Vote Leave donation being a non-cash donation. Note, that in my article, listed above, David Banks of Veterans for Britain, told me that he paid AggregateIQ in cash. **What was the nature of the non-cash donation?**

Veterans for Britain received £200,00 in donations. It declared £146,945.06 in spending. **Can it explain what the other £53,609.94 was used for?** And why this was not declared?

What communications did Veterans for Britain have with the other campaigns? Lee Rotherham is now the executive director for Veterans for Britain was at the time director of special projects of Vote Leave. Was he in communication with the campaign?

Again, have you asked Veterans for Britain who did its data modelling?

Have you asked Veterans for Britain, if it received any data/modelling/insights from Vote Leave or Better for the Country/Leave.EU?

I would be grateful if you could acknowledge receipt of this email, if you could tell me if there's any further information you require, if you need sight of any further evidence that underpins these questions and if there's any other way in which I can be of assistance.

I will write under separate cover about further issues that don't seem to yet be part of the Commission's investigations.

Best wishes, Carole Cadwalladr

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Thanks Louise,
Appreciate it. I also sent a second email with two attachments which are my ones from October.

I have further stuff I'd like to submit regarding Vote Leave & Leave.EU but I need to organise my material first.

I'd also like to highlight I have:

1) Audio tape of Andy Wigmore talking about how Cambridge Analytica worked with Leave.EU

2) The IP documents confirming Robert Mercer's rights over both:
Cambridge Analytica & AggregateIQ
And the non-compete arrangement between the two companies.

Very best, Carole Cadwalladr

On 18 December 2017 at 15:45, Louise Edwards [redacted] wrote:

Hi Carole

I can't confirm in advance who is on the list for tomorrow, but I can tell you that Leave.EU are not. That investigation remains ongoing.

Also, I confirm receipt of your email of today "submission regarding leave.EU" with one attachment, which we will look at and respond to in due course. I'm afraid we haven't located your email of 19 October.

Regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission

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London EC1Y 8YZ
[redacted]

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From: Carole Cadwalladr [redacted]
Sent: 18 December 2017 15:28
To: Louise Edwards
Subject: Fwd: Operation note: Electoral Commission publishes fines issued for breaches of campaign finance rules tomorrow

Hi Louise,

Did you find the email I sent??

Can you tell me, off the record and not for publication, what these relate to?

I was completing the letters to send to you (again). If it's the Leave.EU investigation completing, I'd like confirmation that you have taken into account my submissions?

Best, Carole

---------- Forwarded message ----------
From: [redacted]
Date: 18 December 2017 at 15:16
Subject: Operation note: Electoral Commission publishes fines issued for breaches of campaign finance rules tomorrow
To: [redacted]

18 December 2017

Operational note - from the Electoral Commission

Fines issued by Electoral Commission for breaches of campaign finance rules, published tomorrow

On **Tuesday 19 December 2017 at 9.30am**, the Electoral Commission will publish details of a number of concluded investigations, including fines issues for breaches of campaign finance rules.

The Commission will issue a press release and publish the information on our website – www.electoralcommission.org.uk - at **9:30am**.

Ends

For further information please the Electoral Commission press office on 020 7271 0704 or email press@electoralcommission.org.uk.

For out of hours queries, please call 07789 920 414.

1. The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity by:

- enabling the delivery of free and fair elections and referendums, focussing on the needs of electors and addressing the changing environment to ensure every vote remains secure and accessible
- regulating political finance – taking proactive steps to increase transparency, ensure compliance and pursue breaches
- using our expertise to make and advocate for changes to our democracy, aiming to improve fairness, transparency and efficiency

The Commission was set up in 2000 and reports to the UK and Scottish Parliaments.

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Hi Louise,

Happy new year.

A couple of things. You confirmed receipt of one of my emails regarding submissions to the EC. Can you confirm that that you received these too?

I'd also like to draw your attention to an article from the Wall Street Journal from February 23, 2016 that I did not include previously.

https://www.wsj.com/articles/both-sides-hire-u-s-help-for-u-k-brexit-vote-1456289856

It's a US paper of record and the article is based on an interview with Gerry Gunster. It states the following:

"Cambridge Analytica is surveying tens of thousands of Britons across the country on issues including partisanship, personality, and their concerns about EU membership. The company will then fuse those findings with other publicly available data on voters to produce advice for how Leave. EU should target their messaging more specifically through multiple channels."

This is very significant, I think. This is what CA calls the "super sample" and it's a key part of its methodology. A super sample is a much-larger-than-average qualitative survey of the population that forms the bedrock of the model that the company builds.

This interview was carried out and reported contemporaneously and it confirms what I know from other sources is Cambridge Analytica's standard operating procedure. It is an expensive and time-consuming but is the absolute cornerstone of their methodology.

I would like to know:

Has CA been asked about this polling? Has Gerry Gunster? Has Leave.EU/Grassroots Out? It is on the record that Leave.EU worked with Survation. Has it been asked if it carried out this work for Leave.EU/GO/CA/Goddard Gunster? And if so, who paid for it?

Very best, Carole

On 18 December 2017 at 15:38, Carole Cadwalladr [redacted] wrote:
Louise,

This (with a minor amendment concerning language to the letter) is what I submitted to you previously. I still don't know if you received these or took any of my reporting into account. According to documents others have FOI-ed, you said you hadn't seen the evidence it was based on. I will repeat again, that you are welcome to inspect it at any time.

Can you confirm receipt of these emails?

I'm on [redacted] if you have any queries.

Best, Carole

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Dear Carole

Thank you for your email. I confirm receipt of it and have passed it to the senior investigator leading our investigation in respect of Leave.EU's spending return for the EU Referendum. I am aware you asked our press office whether we are investigating Goddard Gunster. As they explained, we are not. Goddard Gunster was not a registered campaigner in the EU referendum; none of the PPERA rules applied to it. We are investigating whether or not Leave.EU failed to report services provided by Goddard Gunster and Cambridge Analytica in its referendum spending return. That investigation is ongoing. As I am sure you appreciate it would not be appropriate to discuss it further at this time, but we will publish the outcome in due course.

Thank you also for your email in regard of 'bots'. Again I can't comment on questions put to Leave.EU as part of our ongoing investigation. What I can say is that the use of bots by referendum campaigners is not prohibited by PPERA or any other legislation. As with any campaign activity, it is subject to the rules in that legislation. If you have evidence that any campaigner failed to adhere to the PPERA rules in respect of the use of bots, please do sent it to me.

Kind regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
electoralcommission.org.uk
yourvotematters.co.uk

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

From: Carole Cadwalladr [redacted]
Sent: 24 January 2018 20:47
To: Louise Edwards
Subject: Goddard Gunster

Hi Louise,

I'm slightly confused about the Electoral Commission's investigation into Leave.EU. I am assuming that Goddard Gunster is part of that? I can find no record of Leave.EU declaring the firm's services in the spending returns it filed with you? Gerry Gunster of the firm gave interviews in which he said that as well as his strategic role, he had ten employees embedded in Leave.EU's office...yet there seems to be no record of this as either a spending expense or a gift. Am I correct in assuming you are investigating the firm's role in relation to the question of a) whether Leave.EU filed its spending return correctly? And b) the question of whether Leave.EU was in receipt of one or more impermissible donations? Could you confirm that?

I became aware today that Cambridge Analytica and Goddard Gunster use the same lawyer at the same law firm as Cambridge Analytica: [redacted] at Squire Patton Boggs. I believe has significance for your inquiry.

I attach a timeline of open source statements about the work Goddard Gunster did for Leave.EU at the end of which I include two legal letters.

This includes a letter [redacted] of Squire, Patton & Boggs sent to a journalist at Thomson Reuters on behalf of Goddard Gunster threatening legal action.

And a letter that [redacted] of Squire, Patton & Boggs sent to the Guardian on behalf of Cambridge Analytica, threatening legal action.

As you know, Cambridge Analytica is now saying it did no work for Leave.EU. Is it just a coincidence then that it engaged the same legal firm as that used by Leave.EU's chief strategist? And if it was a coincidence, wouldn't there be a conflict here? It would unusual for a lawyer to take on a job that conflicts with an existing client and given Cambridge Analytica had already retained [redacted] ***why did he take on a company that worked closely with the campaign his client is now asserts it never worked for?***

I very much hope that you will write to Cambridge Analytica and Goddard Gunster and ask them how they came to use the same lawyer. If CA and GG would agree to waive their client confidentiality, [redacted] at Squire, Patton & Boggs could answer that question directly, perhaps? And also, potentially answer questions about if there is a third party who is paying for his services?

Can you confirm that you have received this? And I'd be grateful if you could clarify the status of any investigations into the firm.

Many thanks, Carole

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Leave.EU / EU Referendum

Lawyers for Cambridge Analytica have told the Guardian/Observer that:

> Neither SCLE nor CA did any work, paid or unpaid, for Leave.EU or any other participant in the EU Referendum.
>
> Our clients have never been retained nor done any work, paid or unpaid, for Leave.EU. Our clients did have discussions with Leave.EU about assisting it with its campaign; however, no work was done on its behalf as a result of Leave.EU not winning official designation and the funding that would have come from that.

In a recent interview [6 November 2017] with Alexander Nix, the CEO of CA, reported here, he makes similar claims:

https://techcrunch.com/2017/11/06/the-ceo-of-cambridge-analytica-plans-a-book-on-its-methods-and-the-us-election/

Mr. Nix stated that CA "did not work on Brexit,". Claims in the media to the contrary were wrong and based on the 'liberal media's' denial that the UK wanted to leave the EU. He says the rumour has come about because they were approached by "by a number of different campaigns, pro and against, to discuss whether there might be a role for us on Brexit… We had a number of discussions. Obviously, these discussions made their way into the public forum but we meet with hundreds of companies every year and talk about business opportunities. That doesn't mean you engage with them doesn't mean you contract with them and it certainly doesn't mean that you work for them." He says stories by The Guardian that CA worked on pro-Brexit campaigns were based on "one or two data points" that they "then created an entire narrative around that that was pure fiction."

Below are a number of reports in the public domain of statements having been made by / on behalf of CA and / or behalf of Leave.EU (i.e. those directly involved) that run counter to the narrative they have asserted. For example:

- **October 22, 2015:** - Arron Banks (the British businessman and political donor, who is the co-founder of the Leave.EU campaign) writes in his memoir "Bad Boys of Brexit", "We've hired Cambridge Analytica an American company that uses 'big data and advanced psychographics to influence people.'"

- **November 18, 2015**: Brittany Kaiser, senior director of Cambridge Analytica, at the press launch of Leave.EU, appeared on a panel and was quoted by PR Week as saying "[CA] had been approached by the campaign several months ago, but *only started working with it more recently*. She said some of the firm's team of data scientists and analysts, some of whom were based full-time in the UK, would be enabling targeted messaging by "understanding why certain things worry people … probing why people care about a certain issue"".

- ***November 19, 2015****, Kaiser tells Bloomberg: https://www.bloomberg.com/news/articles/2015-11-19/brexit-campaigners-put-their-faith-in-u-s-data-wranglers*
  the first stage of the work *involved interviewing "close to half a million Britons". To put this in context, typical polling samples conducted by firms such as YouGov are of about 1,200 people. ..."*

- **November 20, 2015**: The Leave.EU campaign announced that it would be working with CA, according to an internet archive: "Cambridge Analytica are world leaders in target voter messaging. They will be helping us map the British electorate and what they believe in, enabling us to better engage with voters. Cambridge Analytica's psychographic methodology . . . is on another level of sophistication*." (The web page itself has been deleted from the Leave.EU website).*

- **December 6, 2015:** Interview with Arron Banks in the Independent: http://www.independent.co.uk/news/uk/politics/eu-referendum-controversial-leaveeu-co-founder-arron-banks-on-why-hes-happy-to-put-noses-out-of-a6762806.html

  He told the Independent he had "gathered a trio of experienced heavy-hitters from the world of politics to ensure victory in the in/out referendum, which will be held by the end of 2017 and is expected to take place next year. Cambridge Analytica, a data-modelling firm that employs "psychographic profiling" and who US Republican presidential hopeful Ted Cruz recently spent $750,000 on, has helped boost Leave.EU's social media campaign." "In three months we've signed up nearly a third of a million people and [they] continue to sign up in huge numbers," says Mr Banks. "We've got almost 270,000 people to our Facebook page, so the speed at which we've been growing is phenomenal."

- **December 23, 2015**: as reporting by Politico, **https://www.politico.eu/article/leave-eu-anti-political-campaign-brexit-referendum-uk-eu-reform/** Arron Banks talked about CA to a reporter: CA "is using its understanding of our Facebook habits to shape Leave.EU's own micro-messaging". "Cambridge's profiles enable it to know what sort of advertising appeals to you. It might be aggressive. It might be passive. It might be all sorts of different forms".

- **February 3, 2016**: Arron Banks tweets saying Leave.EU is working with Cambridge Analytica. "One lesson might be ted cruz used Cambridge analytics (the smartest SM campaigner in the world. Leave.EU use them."

- **February 7, 2016**: Arron Banks tweets: "Our campaign is being run by Gerry Gunster (won 24 referendum in the USA and Cambridge analytics experts in SM".

- **February 10, 2016** Alexander Nix, CA CEO, quoted in Campaign**:** https://www.campaignlive.co.uk/article/big-data-better-donald-trump/1383025 "Recently Cambridge Analytica has teamed up with Leave.EU - the UK's largest group advocating for a British exit (or 'Brexit') from the EU - to help

them better understand and communicate with UK voters. We have already helped supercharge Leave.EU's social media campaign by ensuring the right messages are getting to the right voters online and the campaign's Facebook page is growing in support to the tune of about 3,000 people per day."

- **23 February 2016:** The Wall Street Journal reported https://www.wsj.com/articles/both-sides-hire-u-s-help-for-u-k-brexit-vote-1456289856 that Cambridge Analytica is surveying tens of thousands of Britons across the country on issues including partisanship, personality, and their concerns about EU membership. The company will then fuse those findings with other publicly available data on voters to produce advice for how "Leave. EU" should target their messaging more specifically through multiple channels.

- **31 March 2016:** documents GO Movement filed with the Electoral Commission record that Cambridge Analytica was "a strategic partner": **https://www.electoralcommission.org.uk/__data/assets/pdf_file/0008/199916/Go-Movement-Ltd-designation-application.pdf**

- **2 March, 2016** Audio and transcript of interview with Brittany Kaiser, senior director of CA, with Commonwealthy website, in which she says: *"Well actually right now we are working on the Brexit campaign".*

- **March 10, 2016:** Brittany Kaiser is interviewed by the Tab : "For the Leave.EU, now Grassroots Out, ….. We started analysing their supporters - they had hundreds of thousands of people who had signed up online. We were able to look at their profiles and their personality data." She is later recorded as saying "Cambridge Analytica's Brittany Kaiser describes the company's work for Grassroots Out as "a much lighter version of what we do in the US." They analysed every supporter the campaign has signed up and then threw in information they could find about those people from social media and publicly available data sets like electoral records. On top of that they have the in-depth surveys which the campaign has conducted asking supporters what it is about the EU they dislike." That has allowed them to break anti-EU supporters into five different groups including Disaffected Tories or a group loosely referred to as young people nervous about their future. That is already allowing the campaign to hit different people with different messages. "If you speak to a young liberal person about closing they borders that is going to turn them off. But you might want to talk to them about creating more jobs in the country," says Kaiser. The Out campaign isn't about one thing - there are so many topics that resonate with different types of people." Kaiser says her small team in the company's office behind the Japanese embassy in Mayfair – consisting of a data scientist and a few creative, messaging experts people and in house psychologist – will take on more work for Out once its been decided who the official campaign to leave the EU is going to be."

- **September 2016: a**udio tape recorded by Swiss journalist, Hannes Grassegger, of Alexander Nix, saying CA's work is focussed on US & UK politics.

- **November 27, 2016**: the communications director of Leave.eu, Andy Wigmore tweeted "… you forget we used CA to win BREXIT they were spot on in case you have forgotten and were with Trump – new rules new ideas".

- **November 27, 2016: Andy Wigmore responding to Louise Mensch:** Andy Wigmore Retweeted
  Miles Loo Loo - you forget we used **CA** to win BREXIT they were spot on in case you have forgotten and were with Trump - new rules new ideas https://twitter.com/louisemensch/status/802925224463306757 …

- **January 27, 2017:** Wigmore told the *Observer's Reader's Editor:* "we had advice from [CA] yes and met them many times yes – employed them we did not do – we did not need to they happily helped".

- ***January 30, 2017***, Banks responded to a dismissive tweet about Cambridge Analytica*, with: "Interesting, since we deployed this technology in leave.eu we got unprecedented levels of engagement. 1 video 13m views. AI won it for leave*."

- **February 22, 2017**: during the course of a face-to-face interview with Andy Wigmore by Carole Cadwalladr, Wigmore said Robert Mercer offered his help – free – to the Brexit campaign. Wigmore said that he introduced Farage and Leave.EU to CA: "They were happy to help. Because Nigel is a good friend of the Mercers. And Mercer introduced them to us. He said, 'Here's this company we think may be useful to you'. What they were trying to do in the US and what we were trying to do had massive parallels. We shared a lot of information."

- **February 24, 2017**: Observer publishes article. Arron Banks tweets answer to tweet saying spending only needs to be declared for final 6 weeks: "Quite so Jim, our engagement with Cambridge was before spending limits **a**nd we have correctly filed the restricted amount in the short period." [Note: campaign contributions from foreigners/foreign companies whether of money or of services of value - are impermissible both before and during regulated period.]

- **March 3, 2017**: Arron Banks tweets: "Hi @hugorifkind we made no secret of working with Cambridge. We created a huge SM machine that took the message to voters."

- **March 7, 2017**, the FT reported the following from Wigmore: "However, Andy Wigmore, the communications director of the Leave.eu campaign told the Financial Times he "confirmed" that Cambridge Analytica provided "initial help and guidance" to the Leave.eu campaign, which then went on to develop its own artificial intelligence analysis methodology. "The AI machine learning was developed in Bristol by 20 mathematicians and actuaries with input from Cambridge Analytica at the very beginning and then executed by [US political consultancy] Goddard Gunster," he said."

- **March 7, 2017**: Andy Wigmore responded to a tweet about CA being "a false meme - anyone can micro target on FB". He said: "Agreed but that's not what AI does and that's not what CA did and that's not what we did - we have now applied it to our insurance business."

- **March 23, 2017** Leave.EU co-founder Richard Tice in a Bloomberg article: **https://www.bloomberg.com/news/articles/2017-03-23/trump-data-gurus-leave-long-trail-of-subterfuge-dubious-dealing**
- "We did undertake some work with Leave.eu, but it's been significantly overreported," Nix said in a Feb. 8 interview with Bloomberg. Richard Tice, co-founder of Leave.eu, said on Feb. 23 that the campaign used SCL "to target supporters and the way we used our database, Facebook, Twitter, and website users." He adds, "They massively increased the quality of targeting of data." ….A few days later, Cambridge issued a statement denying any involvement in the campaign. Tice, reached again by phone, stood by his statements that the firm worked for Leave.eu and said of Cambridge Analytica's denial, "Just put it down to politics."

- **April 21, 2017**: Andy Wigmore tweets in response to tweet about Tories hiring EdmondsElder: "Analogue! You should use Cambridge Analytics - we did apparently can highly recommend them."

Have you asked Cambridge Analytica the following questions:

1.1 What you mean by the term 'work' – does this encompass only matters formalised in a contract or is it being used in a wider sense?

1.2 What discussions CA had with Leave.EU about "assisting it with its campaign"; when those discussions took place; which individuals were involved; and when and why those discussions came to an end;

1.3 Whether all or any of SCLE, or CA: sent any memoranda or documents, gave any presentations, or provided any informal strategic advice to Leave.EU (including Better for the Country Ltd), Grassroots Out, Vote Leave or any other leave associated campaign group, or any company registered at Companies House to Arron Banks, Aron Fraser, Andrew Banks, Arron Andrew Fraser Banks, Arron Fraser Andrew Banks, Aaron Banks, Arron M Banks at any time and if so, what that information or advice constituted;

1.4 What discussions CA had with all or any of Better for the Country Ltd, Grassroots Out, Vote Leave or any other leave associated campaign group;

1.5 What CA means by the word "participant" (when you refer to "any other participant" in the EU Referendum). Is it CA's position that they did no work (in the wider sense) of any kind in relation to the EU Referendum?

1.6 Whether (apart from the discussions referred to in 1.1 above), CA or any other company in the SCL Group, any other CA company and/or any other company where Robert Mercer, Alexander Nix or Stephen Bannon was a major shareholder or officer had any discussions with Leave.EU (including Better for the Country Ltd), *Grassroots Out, Vote Leave or any other leave associated campaign group (or any individual involved with those groups), at any time and if so, when those discussions occurred, and with whom;*

1.7 Whether CA (or either or them) or any associated company had any

"engagement" with Leave.EU (including Better for the Country Ltd), Grassroots Out or any other "leave" associated campaign group, at any time, and if so with whom and when that engagement commenced and ended;

1.8 Whether it is accepted that Cambridge Analytica was "a strategic partner" with GO Movement;

1.9 Why Ms Kaiser attended the Leave.EU launch event and appeared on the platform with its leaders;

1.10 Why Ms. Kaiser made the statements referenced above, at the time she made them;

1.11 Whether Ms Kaiser's statements were approved by or made with the knowledge of CA / SCLE. If CA asserts that they were not, have they sought to challenge or correct them publicly (since they cannot have failed to appreciate the impression that those statements would create), and if so, what dates those communications with the publishers occurred;

1.12 Whether those statements were part of a deliberate and co-ordinated PR campaign by SCLE / CA / Mr Nix;

1.13 How was Ms Kaiser able to assert that CA "started analysing their supporters - they had hundreds of thousands of people who had signed up 14 online", if she did not have access to their CRM or e-mail systems; how did she know the internal e-mail sign-up rates of Grassroots Out:

1.14 whether you accept that Ms Kasier's appearance on this panel should be construed as 'work' given that she was appearing as a CA employee;

1.15 Whether any of Leave.EU (including Better for the Country Ltd), Grassroots Out, Vote Leave or any other leave associated campaign group shared information with any of (i) SCLE, (ii) CA Ltd, (iii) CA, and if so when and what they information was.

1.16 Whether any of (i) SCLE, (ii) CA Ltd, (iii) CA shared information with any of Leave.EU, Grassroots Out or any other leave associated campaign group, and if so when and what that information was.

1.17 Whether SCLE or CA conducted any analysis that lead to a voter segmentation that broke down "anti-EU supporters into five different groups including Disaffected Tories or a group loosely referred to as young people nervous about their future";

1.18 When Mr Nix asserted that CA "[had] already helped supercharge Leave.EU's social media campaign by ensuring the right messages are getting to the right voters online", what messages CA had already "supercharged" to ensure they were getting to the right voters;

1.19 When Mr Nix said that "[Leave.EU's] Facebook page is growing in support to the tune of about 3,000 people per day", how he knew the sign-up rates of Leave.EU;

1.20 The times and dates of any meetings between Arron Banks, Andy Wigmore, and / or Nigel Farage with CA /SCLE or their employees / contractors from both before and after the referendum;

1.21 Details of any ongoing work/informal arrangement you have with Nigel Farage.

2. Corporate structure of SCLE and CA

CA told The Guardian/Observer:

> SCLE is a privately owned English data analytics company based in London that uses novel data analysis to make detailed and accurate predictions about the behaviour of individuals. It designs marketing and campaigns addressed to those individuals.
>
> CA is a US based Limited Liability Corporation which has a service agreement with and the exclusive right to offer services in North America on behalf of SCLE.
>
> Both SCLE and CA have offices in London and are registered as data controllers in England for the purposes of the Data Protection Act 1998.

We understand that SCLE is owned and operated by SCL Analytics Limited, which is part of the SCL Group Limited, and the SCL Group is the ultimate parent company for SCLE. We also understand that SCLE is the parent company of a UK registered company called Cambridge Analytica (UK) Limited. We note that there are two companies registered with Companies House in the UK with the name "Cambridge Analytica" (Cambridge Analytica Ltd (Company number: 091545032) ("CAL") and Cambridge Analytica (UK) Ltd (Company number 093759203) ("CAUKL"). For the time being we will refer in this letter to the various CA, CAL, CAUKL companies as CA. Mr Nix, now CEO of CA, was a Director of SCLE. We also understand that SCLE holds shares in CA LLC.

We also understand that there are a number of different companies bearing the CA name, incorporated in the US: (i) Cambridge Analytica LLC (December 2013) CA political LLC (January 2015) in addition to SCL US (April 2014).

CA LLC appointed SCLE in or about April 2014 to procure and provide voter information, datasets and other demographic data on US target populations, in order to create a Database of Record ("DBOR")and a digital voter targeting platform, including the integration of social media data into the DBOR.

Have you clarified?

1.1 The corporate relationship(s), if any, between SCLE, CA, CAL and CAUKL both in terms of corporate personnel and shareholdings / equitable interests;
1.2 The relationship between SCLE and wider CA companies;
1.3 Whether CA is replying to you as CAL and CAUK?;

Louise,
This is further to my submission of October 19.
Can you confirm that these statements and questions have been put to Cambridge Analytica and Leave.EU?
Carole

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Hi Carole, we spoke earlier today regarding Sunday's article in the Observer. As discussed, the representative from the Commission that attended the LSE seminar did not "speak privately". This was not at a private event. You mentioned that you had spoken to your editor about changing the wording at the time, but that didn't happen. If you could arrange for the article to be amended so that the word 'privately' was removed, I'd be grateful: https://www.theguardian.com/politics/2017/apr/01/dark-money-threat-to-uk-elections-integrity

With regards to your questions about recent Electoral Commission assessments:

- I confirmed that the Commission is assessing Leave.EU's spending return at the EU Referendum to determine whether or not there are potential offences under the law that require investigation. Our assessment is focused on whether any reportable donation – including of services – was made by Cambridge Analytica or Goddard Gunster to Leave.EU; whether those donations, if any, were from a permissible source; and whether Leave.EU's spending return was complete.

- I confirmed that the Commission had looked into the donation made by Vote Leave to Darren Grimes to consider whether they may have breached the 'working together rules'. Under the EU Referendum legislation, there must be a common plan or arrangement between campaigners in order for the working together rules on allocation of reportable campaign spending to apply. Campaigners on the same side of the argument can liaise and discuss campaigning approaches without meeting the threshold of working together within the meaning of the legislation. The Commission has to establish evidence that shows an offence beyond reasonable doubt for there to be regulatory sanction. With regards to Vote Leave's donations to Mr Darren Grimes, the donations were made by way of a direct payment from Vote Leave to AggregateIQ for services provided to Mr Grimes, which is an acceptable method of donating under the rules.

- You asked about whether any assessments had been conducted into groups such as 'Veterans for Leave'. The Commission published the spending returns of these organisations which are all available to see on our website Our review of these spending returns continues but to date, I can confirm, we have not conducted an assessment into Veterans for Leave or any of the other 'X for Leave' groups.

Lastly, I mentioned that the Commission had made recommendations to the UK Government for future referendums on issues such as joint campaigning rules. Specifically we said:

Parliament should consider the joint spending controls which were in operation for this referendum and clarify their scope ahead of any future referendum. These controls prevent campaigners setting up multiple campaign groups in order to circumvent spending controls, while giving them freedom to work together. To improve transparency and enforceability, the controls should include a requirement that campaigners include in their post-referendum spending return the names of

those they worked with and how much they each spent. The current legislation is silent on this.

There's more information in the press release that we issued: http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/governing-legislation-must-be-changed-to-underpin-future-referendums,-says-electoral-commission?

Kind regards, [redacted]

[redacted]
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Hi Carole, following our conversation, below is the press release we issued this morning. Apologies that you did not receive it:

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

Our database where you can search donations and spending is here

In terms of donations, Leave.EU reported one donation which you can see here

I believe that individual has donated to parties before which you'll be able to search for on the database.

Also, you can see spending by Leave. EU here

I hope this helps.

Thanks, [redacted]

[redacted]
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Hi Carole, my colleague [redacted] sent an email on Friday night and also sent it again on Saturday afternoon (see below). Hope the information is helpful.

Kind regards

[redacted]

From: [redacted]
Sent: 14 April 2018 12:23
To: Carole Cadwalladr
Subject: Re: Press inquiry: urgent

Hi Carol,

Thanks for your query.

On polling day for elections or referendums since the Scottish independence referendum in 2014, Facebook ran their 'I'm a voter' button initiative. On these occasions, Facebook asked for our consent to include a link to our neutral voter information website, as the best source of reliable information for voters on polling day. This website (which you can see at www.yourvotematters.co.uk) provides information and advice to voters including on how to cast their vote, how to find their polling station and how to contact the elections team at their local council.

The Commission welcomes the efforts of any organisation which directs people to accurate information about voting, so we were pleased to give our consent for this link, although consent was of course not required as this is a free-to-access public website. Advance notice of the initiative also enabled us to prepare for the potential increase in traffic to our website, so we could ensure a continuity of service for visitors to the site.

We welcome the support of a wide range of public, private and voluntary organisations in promoting voter registration and adding value to our own campaign activity; we provide resources for organisations to use and coordinate this through our Roll Call newsletter, which has over 1500 subscribers from local authorities, NGOs and other organisations. You can see that here.

Regards

[redacted]

From: Carole Cadwalladr [redacted]
Sent: 13 April 2018 17:14:51
To: Press
Subject: Press inquiry: urgent

Hi there,

Facebook says that discussed with the electoral commission the implementation of their 'voter megaphone' and said that it had worked with you on its implementation.

This is the feature that reminds Facebook users to vote on election day. It was used in the 2015 and 2017 general elections and for the referendum.

Is that right? Can you tell me more what these discussions involved?

Do you understand who they showed the button to? Did you have any concerns about whether it might skew the vote in any way? What did Facebook tell you?

I am on deadline for tomorrow so I would appreciate a reply tonight if possible.

Can you please acknowledge receipt of this inquiry.

Many thanks, Carole

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Hi [redacted],

Can I ask a question about a donation that was made in 2016. It's this one:

http://search.electoralcommission.org.uk/English/Donations/C0246151

The individual is a [redacted] I believe. I understand that checks were made to check he was on the electoral roll. Is that right? Can you confirm? Thanks, Carole

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Hi [redacted]
Yes, it's [redacted]
Best, Carole

On Tue, 4 Apr 2017 at 13:45, [redacted]> wrote:

Hi Carole, I'd be grateful if you could provide me with a telephone number that I can reach you on. I'd like to discuss Sunday's Observer piece and the regulation of campaigners at the EU Referendum.

Kind regards

[redacted]

[redacted]

Press and Public Affairs Manager

The Electoral Commission

3 Bunhill Row

London EC1Y 8YZ

Tel: [redacted]

www.electoralcommission.org.uk

Press office: 020 7271 0704

Out of office hours: 07789 920 414

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Hi [redacted],
Thanks for this. Off the record & not for publication, can you tell me what this relates to?
Carole

On 18 December 2017 at 15:16, [redacted] wrote:

18 December 2017

Operational note - from the Electoral Commission

Fines issued by Electoral Commission for breaches of campaign finance rules, published tomorrow

On **Tuesday 19 December 2017 at 9.30am**, the Electoral Commission will publish details of a number of concluded investigations, including fines issues for breaches of campaign finance rules.

The Commission will issue a press release and publish the information on our website – www.electoralcommission.org.uk - at **9:30am**.

Ends

For further information please the Electoral Commission press office on 020 7271 0704 or email press@electoralcommission.org.uk.

For out of hours queries, please call 07789 920 414.

1. The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity by:

- enabling the delivery of free and fair elections and referendums, focussing on the needs of electors and addressing the changing environment to ensure every vote remains secure and accessible
- regulating political finance – taking proactive steps to increase transparency, ensure compliance and pursue breaches
- using our expertise to make and advocate for changes to our democracy, aiming to improve fairness, transparency and efficiency

The Commission was set up in 2000 and reports to the UK and Scottish Parliaments.

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Hi Carol,

Thanks for your query.

On polling day for elections or referendums since the Scottish independence referendum in 2014, Facebook ran their 'I'm a voter' button initiative. On these occasions, Facebook asked for our consent to include a link to our neutral voter information website, as the best source of reliable information for voters on polling day. This website (which you can see at www.yourvotematters.co.uk) provides information and advice to voters including on how to cast their vote, how to find their polling station and how to contact the elections team at their local council.

The Commission welcomes the efforts of any organisation which directs people to accurate information about voting, so we were pleased to give our consent for this link, although consent was of course not required as this is a free-to-access public website. Advance notice of the initiative also enabled us to prepare for the potential increase in traffic to our website, so we could ensure a continuity of service for visitors to the site.

We welcome the support of a wide range of public, private and voluntary organisations in promoting voter registration and adding value to our own campaign activity; we provide resources for organisations to use and coordinate this through our Roll Call newsletter, which has over 1500 subscribers from local authorities, NGOs and other organisations. You can see that here.

Regards

[redacted]

From: Carole Cadwalladr[redacted]
Sent: 13 April 2018 17:14:51
To: Press
Subject: Press inquiry: urgent

Hi there,

Facebook says that discussed with the electoral commission the implementation of their 'voter megaphone' and said that it had worked with you on its implementation.

This is the feature that reminds Facebook users to vote on election day. It was used in the 2015 and 2017 general elections and for the referendum.

Is that right? Can you tell me more what these discussions involved?

Do you understand who they showed the button to? Did you have any concerns about whether it might skew the vote in any way? What did Facebook tell you?

I am on deadline for tomorrow so I would appreciate a reply tonight if possible.

Can you please acknowledge receipt of this inquiry.

Many thanks, Carole

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Thanks [redacted],
Can you just explain what you mean by 'regulated entity'. Thanks, Carole

On 24 January 2018 at 13:12, [redacted] wrote:

Hi Carole,

No, the Commission is not investigating Goddard Gunster as they are not a regulated entity.

Thanks,

[redacted]

From: Carole Cadwalladr [mailto [redacted]
Sent: 24 January 2018 12:39
To: Press
Subject: Press inquiry

Hi there,

Can you confirm if the firm Goddard Gunster is under investigation by the Electoral Commission?

Best, Carole

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Hi Carole

We can't go beyond this:

The Commission has a number of investigations open in relation to campaigners at the EU Referendum; it does not comment on live investigations.

An important part of the Commission's remit is to investigate whether any offences have been committed in breach of the UK's political finance rules. In carrying out that work evidence may come from parties and campaigners, our own activities, other regulators or elsewhere. The outcome of our investigations will be published in accordance with our Enforcement Policy.

Thanks

[redacted]

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

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

We have moved – please note our new address

From: Carole Cadwalladr [redacted]
Sent: 24 March 2018 12:20
To: Press
Subject: Urgent press inquiry

Hi there,

Do you have any comment on the new evidence you've been presented with by [redacted]

Can you let me know? And what your next steps are?

Many thanks, Carole

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Many thanks Louise, we look forward to hearing from you.
Kind regards

[redacted] | Partner | Bindmans LLP
Public Law
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross

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From: Louise Edwards [redacted]
Sent: 15 September 2017 16:34
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear Mr [redacted]

I acknowledge receipt of your letter and attachments. We will consider them and revert to you in due course.

With regards

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
electoralcommission.org.uk
yourvotematters.co.uk
Twitter | **Facebook** | **Blog**

From: [redacted]
Sent: 15 September 2017 15:48
To: Louise Edwards; [redacted]
Cc: [redacted]
Subject: FW: Application for registration of a political party - Aspire CCM:0185135

Dear Ms Edwards and [redacted]

We would be grateful if you could consider the below and attached in the absence of [redacted]

Kind regards and many thanks

[redacted] | Partner | Bindmans LLP
Public Law

[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
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From: [redacted]
Sent: 15 September 2017 15:46
To: [redacted]; [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear [redacted],

We enclose a response to the concerns raised below regarding the application for registration of a political party – Aspire, together with enclosures.

We would be grateful if you could acknowledge receipt. Should you require any further information, please do not hesitate to let us know.

Kind regards

[redacted]

From: [redacted]
Sent: 25 August 2017 16:17
To: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear Sirs,

Thank you for your letter of 17 August 2017 on behalf of your clients 'Aspire'.

As you may be aware, the Commission invited your clients to a meeting to give them the opportunity to provide information in support of their registration application. That meeting took place on 27 June 2017 ('the meeting'). At that time, the Commission explained the requirement in the Political Parties, Elections and Referendums Act 2000 (PPERA) for a party to have adopted a financial scheme which sets out the arrangements for regulating the financial affairs of the party for the purpose of PPERA. Detailed discussions were had with the party regarding the adoption of its financial scheme and the apparent confusion in the structures set out in its constitution. In this context we were surprised to hear that your clients are unclear and felt they could not provide a meaningful response to our comments.

For your information, at the meeting we asked the party questions in relation to the following areas:

- The role and membership of the Executive Board;
- Who would be involved in managing the finances of the party and their role;
- The party's accounting practices and records;
- The party's practices and procedures in relation to donations (the party indicated that they will not receive loans);

- Preparation of the party's annual Statement of Accounts;
- Controls in relation to campaign spending;
- Consistency between the party's financial scheme and constitution.

We provided the party with a note of the meeting by correspondence on 1 August 2017.

As the registrar for political parties, we are under a duty to assess all applications to register a party against the statutory criteria set out in PPERA. When doing so we follow a fair and transparent process, outlined in published guidance. Consequently, we want to ensure your clients have adequate opportunity to provide a response to our proposed comments, as well as any other information they wish the Commission to consider in coming to a decision on their application. We agree an extension to 15 September 2017 for your clients to provide a response.

We have addressed each of the points where you have requested more information below.

1. Which aspects of the required financial scheme it is considered are not addressed by the party's proposed internal procedures?

The criterion set out in PPERA is not to propose a financial scheme but to have adopted one that sets out the arrangements to regulate its financial affairs to meet the requirements of the legislation. In the meeting we sought evidence of how the party had adopted its financial scheme including what financial procedures and controls the party had in place to ensure it could comply with its PPERA obligations. As far as the Commission is aware, the party does not have such a set of written internal financial procedures and controls.

The following is a summary of the key areas where the Commission considers that currently the party has not demonstrated that it has adopted its financial scheme.

- At the meeting, it was clear that Mr Jahed Choudhury was not yet in a position to comply with paragraph 1.15 of the financial scheme, which says that the treasurer will ensure all other officers and members of the party have sufficient knowledge of the party's obligations under PPERA. Instead, Mr Choudhury said that he would take advice from the party's accountant on this point. As we will emphasise below, Mr Choudhury as treasurer must understand his legal obligations under PPERA and how to comply with them. An accountant's advice will no doubt assist, but it is not sufficient to satisfy the Commission that Mr Choudhury, and the other proposed officers of the party, have sufficient knowledge of their PPERA obligations.
- When asked at the meeting about what controls the party would put in place to manage the party's finances, the treasurer explained that the party had designed an Excel worksheet, a sheet for petty cash and a sheet for reporting donations for which he would be responsible for maintaining. While we note that financial documentation is essential, these are not in themselves controls on finances. In the Commission's view, the question was not sufficiently answered at the meeting, nor is the answer clear from the application and associated documents.
- The above point must also be seen in the context of confusion in the constitution as to who is responsible for controlling and managing the party's finances. See, for example, paragraph 7.1, which says that the day-to-day administrative oversight of finances will be delegated to the treasurer or a working group who shall receive and manage all funds, arrange appropriate banking etc. That paragraph seems to be contradicted by paragraph 7.3 of the constitution which says that the funds will be under the control of the Executive Board with three authorised individuals (Leader, Treasurer and Secretary/Chair) responsible for day to day running. Paragraph 6.4 of the constitution seems to be different again as it says that the Officers of the party will have day to day responsibilities of the management and administration of the party.
- This confusion was in further evidence in the meeting, at which Mr Choudhury stated that only the Executive Board would be involved in the financial management of the party. He

further said that the working group, mentioned in paragraph 7.1 of the constitution would mainly be required during a campaign period.

- Following from this, given the involvement of a number of other individuals in the management of the party's finances, it is not clear to the Commission how the treasurer will ensure he has the relevant information to maintain the party's records and fulfil the reporting requirements set out in the financial scheme. The party acknowledge in their financial scheme that ultimate responsibility for the financial affairs of the party rests with the treasurer. However, based on the information provided we are not satisfied that the treasurer has the necessary control to discharge his obligations under PPERA.
- Mr Choudhury does not appear to have procedures in place to check the permissibility of donations, referred to in paragraph 1.10 of the financial scheme, and the Commission is concerned that he does not know how to do so. At the meeting, for example, Mr Choudhury indicated he would use the Commission's website to check permissibility of donors. This is not a function the Commission's website performs, as our guidance on donations makes clear.
- Further, and again relating to donations, when asked the question by the Commission about how the party would deal with impermissible donations, Mr Choudhury could not outline a process he would follow and he omitted to say that he/the party would return impermissible donations. Again, when asked the question he could not outline procedures for ensuring aggregates of donations from the same source are recorded. Such omissions is a further indication that the treasurer and the party do not have a sufficient understanding of their PPERA obligations or controls in place to discharge them.
- Paragraph 1.5 of the financial scheme says that the party's financial year is from 1 January to 31 December yet Mr Choudhury contradicted this at the meeting stating that it will run from April to March. This contradiction further informs our view that the financial scheme has not been adopted.

2. How the party and the treasurer can satisfy you that they do have a sufficient understanding of their obligations under PPERA, particularly in relation to donations?

As the above indicates, there are a range of areas where the Commission is not satisfied that the financial scheme has been adopted and that the constitution sets out the organisation and structure of the party. Taken individually, each may be addressed through some revision of those documents and consideration of internal financial procedures and controls. We strongly recommend these were written down and disseminated to all those within the party involved in its governance and finances.

The party has been referred to our guidance, which will assist with this.

More widely, the treasurer of a registered political party takes on a number of legal obligations under PPERA, which are vital to the transparency of political finance in the UK. Mr Choudhury will no doubt wish to be aware that failing to comply with these obligations can result in a substantial fine. We therefore encourage him and the other party officers to ensure that they are aware of these obligations and clear on how, in practice, they will meet them.

At the meeting the treasurer referred to reliance on others, such as the Executive Board, accountant and legal adviser, in explaining how he would discharge his PPERA obligations. Seeking advice from other individuals where appropriate can be helpful. However, the treasurer cannot, in reliance on others, seek to absolve himself of ensuring that he has sufficient knowledge and control to discharge his PPERA obligations.

3. The specific concerns regarding the role of each of the relevant groups within the party?

4. Any other specific examples arising under the third question.

A response to these points is covered in the response to question one.

We hope the abovementioned information assists your client to provide a response. As set out above, the Commission will consider any information and/or evidence the party wishes to put before it in support of its registration application.
Yours sincerely,

[redacted]

Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

[redacted]

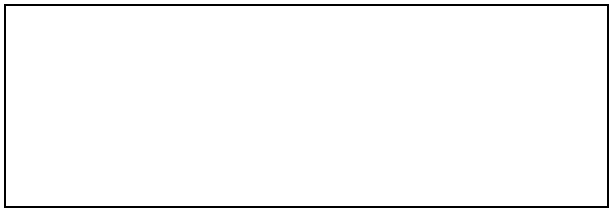
www.electoralcommission.org.uk
www.aboutmyvote.co.uk
From: [redacted]
Sent: 18 August 2017 16:43
To: [redacted] ; [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Sirs,
I acknowledge receipt of your firm's letter of 17 August 2017 a reply to which the Commission aims to send by the end of next week.
The Commission agrees to provide a reasonable extension of time to provide information to it and will set out the revised deadline in its reply.
Yours sincerely,

[redacted]

From: [redacted]
Sent: 17 August 2017 16:25
To: [redacted]
Cc: [redacted]
Subject: Application for registration of a political party - Aspire
Dear [redacted],
Please see attached letter concerning the application for registration of a political party called "Aspire".
We would be grateful for your urgent response before 22 August 2017.
Please copy any correspondence to my colleague, [redacted] (copied) as I will be out of the office for the next week.
Kind regards

[redacted] | Partner | Bindmans LLP
Public Law

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Dear [redacted],
Now that Aspire has been registered, my client has asked that all future communications regarding Aspire be sent directly to Mr Kalam Choudhury and Mr Jahed Choudhury. There will be no need for me to be copied.
Kind regards and many thanks

[redacted] | Partner | Bindmans LLP
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From: [redacted]
Sent: 07 February 2018 17:52
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Mr [redacted],
The Commission appeared before the GLA's Police and Crime Committee today. We were asked questions about the registration of Aspire.
As a matter of courtesy, please find a link to a letter to the Chairman of the Police and Crime Committee which has been published on our website here:
https://www.electoralcommission.org.uk/__data/assets/pdf_file/0004/239260/CBassett-to-SOConnell-Chair-of-GLA-Police-and-Crime-Committee.pdf
Yours sincerely,

[redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
[redacted]
www.electoralcommission.org.uk

From: [redacted]
Sent: 26 January 2018 11:41
To: [redacted]
Cc: [redacted]
Subject: FW: Application for registration of a political party - Aspire CCM:0185135
Dear Mr [redacted],
I am writing to inform you that we approved the application on 25 January 2018 to register Aspire. The party is now on the Great Britain register of political parties in England. The Commission approved the registration of the applied-for emblem but rejected the application to register the applied-for descriptions.
The reasons for that are explained below. We have also set out the party and officer contact details, and who to contact for further assistance.
As you are already aware, the Political Parties, Elections and Referendums Act 2000 (PPERA) imposes a number of controls and responsibilities on registered political parties. I have included a brief note regarding the party's and treasurer's obligations to the

Commission, however, the party should ensure it reads the full suite of guidance available on the Commission's website.

1. How the party name and emblem will appear on the register.

Below are the party's registered identifiers that have been approved to appear on the register. You can view the party's entry on the register here: http://search.electoralcommission.org.uk/English/Registrations/PP6713.

Contact us immediately if these details are incorrect.

Party name

Aspire

Emblem



(How the emblem will appear on the ballot.)

2. Contact details.

Below are the contact details for the party and officers.

Party HQ details. This address will appear on the public register	Address: [redacted]
These details will not be publicly available	Email: [redacted] Phone number: [redacted] Website: N/A
Party Leader: Kalam Mahmud Abu Taher Choudhury The officer's name will be publicly available but their contact details will not.	Address: [redacted] Email: [redacted] Phone Number: [redacted]
Party treasurer: Jahed Bokth Choudhury The officer's name will be publicly available but their contact details will not.	Address [redacted] Email: [redacted] Phone Number: [redacted]
Party Nominating officer: Lilian Collins The officer's name will be publicly available but their contact details will not.	Address: [redacted] Email: N/A Phone number: [redacted]

The party has been allocated the following unique reference **RPP** [redacted] which should be quoted on all communications and returns sent to the Commission. The reference offers a safeguard so that we can be certain that any correspondence, returns etc received in the party's name are genuine. It is therefore in the party's own interest to ensure that only those officers who need to communicate with the Commission have access to the reference.

If the party's registered details change, the party has a legal obligation to notify us immediately and it will also enable us to ensure that any reminders and information are sent to the correct person at the right address.

3. Applied-for identity marks that were rejected

The Commission rejected the application to register the applied-for descriptions. As was explained to the party at our meeting of 27 June 2017, in order to be a party description, a description must identify the applicant party. For example, a way to do this is to include the party name in the description.

The Commission concluded that none of the descriptions the party applied to register identified the party. The application to register those descriptions was rejected on that basis. Please note that it is open to the party to make a fresh application to register descriptions should it wish to do so.

4. Financial scheme

The party's financial scheme as drafted does not currently allow the party to enter into loans or other regulated transactions as set out in Part IVA of PPERA. That includes loans, bank overdrafts, securities, credit cards, credit facilities etc. Please note that the party must apply to amend its financial scheme if in future the party does intend to engage in loans or regulated transactions, and must do so successfully prior to engaging in such loans or transactions.

The party should note that even though the party will not enter into loans or regulated transactions, the party must still deliver to the Commission by the statutory deadline quarterly transaction and loans returns, along with quarterly donations returns, unless it is exempt from delivering such returns. The party can find guidance on reporting donations and loans on our website here.

5. The Commission's duty to maintain the register

Under PPERA the Commission has a duty to maintain the registers of political parties. In accordance with that duty the Commission may conduct reviews of the registers to determine whether the party and its identity marks still meet the statutory tests for registration.

This could mean that if in future we consider that the party's identity marks no longer meet the statutory tests they will be removed. Further, the party should note that should the party's circumstances change, such as the registered officers, this may give cause to the Commission to review the party's registration. Additionally, should it come to the Commission's attention that the party are not operating in accordance with their constitution or financial scheme this may also give rise to such a review.

The party will be advised of any such review.

The Commission also has a duty under s 145 of PPERA to monitor, and take all reasonable steps to secure, compliance with the rules for political parties set out in PPERA.

6. Meeting with the party

We would like to meet with the party again after the May 2018 polls. The purpose of the meeting will be to discuss and review the party's operation under its financial scheme. As part of that, we'd like to review the operation of the party's financial process and practice during and immediately after the regulated period in relation to the May 2018 polls.

We will be in further contact with the party about that meeting in due course.

Should the party have any questions, please let us know. The team can be contacted at:

Party Registration
The Electoral Commission
3 Bunhill Row, London EC1Y 8YZ
Tel: 0333 103 1928
Fax: 020 7271 0505
Email: partyreg@electoralcommission.org.uk

Yours sincerely,

[redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
www.electoralcommission.org.uk
www.aboutmyvote.co.uk
From: [redacted]
Sent: 19 January 2018 16:44
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Mr [redacted],
Thank you for your email. I'm afraid that the assessment is still with the decision-maker. I hope that we will be in a position soon to advise you of the outcome of the application.
Yours sincerely,
[redacted]
From: [redacted]
Sent: 18 January 2018 15:02
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear [redacted],
I would be grateful if you could provide us with an update on the below?
Kind regards
[redacted] | Partner | Bindmans LLP
Public Law
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 04 January 2018 11:17
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Mr [redacted],
Thank you for your email. The assessment is currently with the Approvals Board and we are expecting their final comments shortly. The assessment should go to the decision-maker tomorrow for consideration and final decision. Decisions usually only take a few days to come through and we will let you know the outcome as soon as possible once a final decision has been made.
Yours sincerely,
[redacted]
From: [redacted]
Sent: 03 January 2018 17:01

To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear [redacted]

Happy New Year.

I would be grateful if you could provide an update as to by when you expect to be able to make a decision on Aspire's application?

Kind regards

[redacted] | Partner | Bindmans LLP
Public Law

[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight

From: [redacted]
Sent: 08 December 2017 10:59
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear [redacted]

Further to my email of 30 November 2017, please be advised that the Commission has now published the details of the application to register Aspire on our website here: https://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/pending-registration-applications/current-applications/_nocache

Please get in touch should you have any questions.

Yours sincerely,

[redacted]

From: [redacted]
Sent: 01 December 2017 16:18
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear [redacted]

Our client welcomes your assurance that you are dealing with this matter as quickly as possible.

We also note that our client understands the matters at 1 and 2 below, and wishes to proceed on the basis of the existing documents.

I would be grateful if you would continue to copy [redacted] and [redacted] on all correspondence as I will shortly be on annual leave.

Kind regards

[redacted] | Partner | Bindmans LLP
Public Law

[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight

From: [redacted]
Sent: 30 November 2017 11:51

To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear [redacted],

Thank you for your email. The Commission is currently assessing the application and information provided by your clients against the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA). We plan to publish the details of the party's application on our website soon. We will let you know once it has been published.

Once the assessment is complete, it will be put to the Commission's internal Approvals Board. That board is chaired by the Director of Political Finance and Regulation & Legal Counsel, who takes the final decision on the application. Any comments we receive in response to the publication of the details of the application will be considered in taking a decision.

Undertaking this process can take some time in order to ensure the Commission reaches a fair conclusion within the legislative requirements. However, we are working to take a decision as soon as possible.

Whilst writing, I also wanted to note a couple of points in relation to the party's financial procedures and structure.

1. Regulated transactions

The party's approved financial scheme indicates that the party will note take loans, but does not specifically mention other types of regulated transactions. The scheme as currently drafted does not include PPERA reporting requirements in relation to loans and regulated transactions. That means that the party cannot currently enter into any kind of loan or regulated transaction set out in Part IVA of PPERA. That includes loans, bank overdrafts, securities, credit cards, credit facilities etc.

I'd be grateful if you would confirm that was the party's intention in drafting the scheme.

2. Reporting under PPERA

We note from the party's internal financial procedures in relation to donations that they intend to record information over and above what is required by PPERA. We wanted to ensure that the party is aware that, should they be successfully registered, there will be no need to report to the Commission donations or details over and above what is required by PPERA.

Please let me know if you have any questions.

Yours sincerely,

[redacted]

From: [redacted] [mailto [redacted]
Sent: 27 November 2017 12:45
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear [redacted]

I would be grateful if you could provide me with an update on progress and an indication of by when the Commission expects to be able to make a decision.

Kind regards and many thanks

[redacted] | Partner | Bindmans LLP
Public Law

[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross

Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 15 November 2017 09:10
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear [redacted]
I acknowledge receipt of your email. The Commission will be further contact with you in due course.
Yours sincerely,
[redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
www.electoralcommission.org.uk
www.aboutmyvote.co.uk
From: [redacted]
Sent: 14 November 2017 15:18
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear [redacted]
Further to your email below, our client has opened a bank account with the following details:
[redacted]
I attach a copy of a letter from [redacted] by way of proof. I apologise for the quality of the attachment. I am instructed that my client does not have access to a scanner today and that a further pdf may be available tomorrow. Please let me know if you require this.
We are instructed that the political party is yet to receive or deal with any funds as a party, as they are waiting for EC-approval and registration before beginning to operate as a party.
We hope the EC will now be able to proceed to fully consider the application. However, if you do require further information, please do not hesitate to let us know.
Kind regards
[redacted] | Solicitor | Bindmans LLP
Public Law
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 20 October 2017 16:19
To: [redacted]

Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Many thanks.
From: [redacted]
Sent: 20 October 2017 16:01
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Mr [redacted]
Thank you for your email. We agree to the requested extension to 14 November 2017. Please do let me know if you have any further questions.
Yours sincerely,
[redacted]
From: [redacted]
Sent: 20 October 2017 15:39
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
[redacted]
I refer to your email of 17 October 2017. Our client has requested an extension until 14 November 2017 in order to provide the additional evidence requested. I look forward to your confirmation that this can be agreed.

Kind regards
[redacted] | Solicitor | Bindmans LLP
Public Law
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 17 October 2017 17:24
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Sirs,
We confirm receipt on 12 October 2017 of a financial scheme signed by the proposed leader, treasurer and nominating officer of the applicant party.
Financial scheme provided on 15 September 2017
The Commission has approved the draft financial scheme pursuant to s 26(5) of the Political Parties, Elections and Referendums Act 2000 (PPERA). Please note that in approving this scheme, the Commission has considered only the financial scheme for the purposes of s 26(5).
The Commission has not considered whether or not the draft financial scheme has been adopted, whether the constitution meets the requirements of PPERA or whether or not the party's applied-for identity marks meet the statutory tests in PPERA.
Adoption of scheme

In accordance with your representations of 15 September 2017 and our email to you of 5 October 2017, we now seek confirmation and further evidence from your client that the draft financial scheme, as approved by the Commission, has been adopted.

We understand the signed copy of the financial scheme was submitted as evidence towards this point. Thank you for that. As you know from our earlier correspondence, the adoption of a financial scheme is about having one in place to regulate a party's financial affairs in line with the requirements of PPERA. PPERA requires this to be in place prior to registration. Consequently, in order for us to complete our assessment of whether the financial scheme has been adopted by the party, please provide evidence that it is in place and regulating the party's financial affairs. Such evidence should include:

- documents showing that the party has opened a bank account to administer its funds,
- evidence as to whether or not the party has already received funds, and if so how those funds are now being regulated in accordance with the financial scheme.

In that respect, we understand that the party did produce and distribute campaign material in its previously applied-for name 'Tower Hamlets Together'. If it still holds or has continued to accumulate funds since then, we would ask for evidence of how such funds are now accounted for under the implementation of the newly adopted financial scheme.

We will of course consider any evidence that your client wishes to bring to our attention in relation to adoption of the scheme, and how it is now in place to regulate the party's financial affairs.

Please provide further information and evidence by 24 October 2017. We will put the application on hold until that time to allow your clients an opportunity to respond. Should your clients require more time to respond, please do let us know.

Next steps

Once your client has provided confirmation that the scheme has been adopted and evidence of its implementation, we will proceed as outlined in our email of 5 October 2017.

Response to your letter of 6 October 2017

Our email to you of 10 October 2017 already set out that there has been no undue delay in relation to your client's application.

We are disappointed at the suggestion that the Commission has appeared to intentionally delay and disadvantage your client's application. The Commission altered its process in line with the objection to that process that you raised in your letter of 15 September 2017. The Commission has also provided your client with several opportunities to provide further information in support of their application.

Your letter indicates that registration can be made as soon as confirmation of adoption of the financial scheme has been made. As you know, registration of a political party upon application is not automatic and the Commission must consider whether the requirements of PPERA have been met. Such consideration is not an instant process.

Further, the requirements of PPERA include that the Commission cannot register a party if the party's applied for name does not, in the Commission's opinion, meet the statutory tests set out at s 28(4) of PPERA. You will understand that those statutory tests must be applied to the circumstances as close as possible to the point of registration, including the register of identity marks as it is at that point. Such is an additional reason why the Commission has not been able to determine the application until the issues you raised in your letter of 15 September 2017 had been resolved.

Yours sincerely,

[redacted]

From: [redacted]
Sent: 12 October 2017 17:05
To: [redacted]

Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Thank you. I will take instructions and revert in due course if necessary.
Please ensure that all correspondence is copied to all those whom we CC to our own emails. We do this to avoid precisely what has just happened, namely matters that require attention being missed when someone is absent due to unforeseen circumstances.
Regards

[redacted] | Solicitor | Bindmans LLP
Public Law
[redacted]
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 12 October 2017 16:53
To: [redacted]
Cc: [redacted]
Subject: FW: Application for registration of a political party - Aspire CCM:0185135
Dear [redacted]
Thank you for your email today requesting that I forward you correspondence recently sent to Mr Potter. As per your request, please see my email below of 10 October 2017.
Yours sincerely,

[redacted]
From: [redacted]
Sent: 10 October 2017 13:38
To: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Mr [redacted]
Thank you for your letter of 6 October 2017.
Your correspondence refers to the Commission's actions appearing to intentionally delay and disadvantage your client's application to be registered. There has been no undue delay in relation to your client's application.
The Commission considers applications to be registered on a case-by-case basis. Your client's application to be registered will proceed as outlined in our email to you of 5 October 2017, in line with the points your raised in your letter of 15 September 2017. We expect to soon be in a position to advise whether or not the financial scheme has been approved by the Commission.
You ask the Commission for a response to your letter of 6 October 2017 within three working days, however, you have not identified a specific reason that a response in such a short time frame is necessary. The Commission will respond more fully to the letter in due course.
Yours sincerely,

[redacted]
[redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]

[redacted]
www.electoralcommission.org.uk
www.aboutmyvote.co.uk
From: [redacted] [mailto [redacted]
Sent: 06 October 2017 16:45
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear [redacted],
Please see attached response to your email below.
Kind regards
[redacted] | Partner | Bindmans LLP
Public Law
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 05 October 2017 09:56
To: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Mr [redacted]
Thank you for your letter of 15 September 2017 and the accompanying attachments.

Obligation to adopt a financial scheme

Your letter refers to the obligation on an applicant party in Schedule 4, paragraph 5 of the Political Parties, Elections and Referendums Act 2000 (PPERA) to provide a draft financial scheme which the party proposes to adopt for the purpose of section 26 if approved by the Commission.

Section 26(1) and s 28(4) of PPERA makes clear that a party cannot be registered unless it has adopted a financial scheme.

The point you raise is a technical one. In the interest of efficiency, the Commission generally considers the obligation in Schedule 4, paragraph 5 and the obligation in s 26(1) and s 28(4) at the same time when assessing and coming to a decision on a party's application. This is because the purpose of our assessment is to determine whether to place a party on the register of political parties. If the party has not adopted its financial scheme, the assessment will of necessity conclude that it cannot be placed on the register.

However, as you have raised the issue, on this occasion, the Commission will consider those obligations separately.

Next Steps

You have indicated that your clients have submitted a proposed draft financial scheme and will adopt the scheme once it has been approved by the Commission, as is the process set out in PPERA. You will appreciate that this means that, at this time, there is no question of placing the party on the register.

The Commission will consider the draft financial scheme provided by your clients and will indicate in due course whether or not it has been approved. We will at that time ask your clients to provide evidence that the scheme has been adopted by the party.

Once your clients have provided that information the details of your client's registration application will be published on the Commission's website in line with our usual process. The Registration Team will then assess your client's application. That assessment will be put,

along with any comments from our online publication, to the Commission's internal Approvals Board. That board is chaired by the Director of Political Finance and Regulation & Legal Counsel, who takes the final decision on the application.
Should you have questions, please let me know. We will be in further contact with you in due course to let you know whether or not the Commission has approved the draft financial scheme provided.
Yours sincerely,

[redacted]

Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

[redacted]

www.electoralcommission.org.uk
www.aboutmyvote.co.uk
From: [redacted]
Sent: 15 September 2017 15:46
To: [redacted]
Cc: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Ms [redacted]
We enclose a response to the concerns raised below regarding the application for registration of a political party – Aspire, together with enclosures.
We would be grateful if you could acknowledge receipt. Should you require any further information, please do not hesitate to let us know.
Kind regards

[redacted] | Partner | Bindmans LLP
Public Law

[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 25 August 2017 16:17
To: [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135
Dear Sirs,
Thank you for your letter of 17 August 2017 on behalf of your clients 'Aspire'.
As you may be aware, the Commission invited your clients to a meeting to give them the opportunity to provide information in support of their registration application. That meeting took place on 27 June 2017 ('the meeting'). At that time, the Commission explained the requirement in the Political Parties, Elections and Referendums Act 2000 (PPERA) for a party to have adopted a financial scheme which sets out the arrangements for regulating the financial affairs of the party for the purpose of PPERA. Detailed discussions were had with the party regarding the adoption of its financial scheme and the apparent confusion in the

structures set out in its constitution. In this context we were surprised to hear that your clients are unclear and felt they could not provide a meaningful response to our comments.

For your information, at the meeting we asked the party questions in relation to the following areas:

- The role and membership of the Executive Board;
- Who would be involved in managing the finances of the party and their role;
- The party's accounting practices and records;
- The party's practices and procedures in relation to donations (the party indicated that they will not receive loans);
- Preparation of the party's annual Statement of Accounts;
- Controls in relation to campaign spending;
- Consistency between the party's financial scheme and constitution.

We provided the party with a note of the meeting by correspondence on 1 August 2017.

As the registrar for political parties, we are under a duty to assess all applications to register a party against the statutory criteria set out in PPERA. When doing so we follow a fair and transparent process, outlined in published guidance. Consequently, we want to ensure your clients have adequate opportunity to provide a response to our proposed comments, as well as any other information they wish the Commission to consider in coming to a decision on their application. We agree an extension to 15 September 2017 for your clients to provide a response.

We have addressed each of the points where you have requested more information below.

1. Which aspects of the required financial scheme it is considered are not addressed by the party's proposed internal procedures?

The criterion set out in PPERA is not to propose a financial scheme but to have adopted one that sets out the arrangements to regulate its financial affairs to meet the requirements of the legislation. In the meeting we sought evidence of how the party had adopted its financial scheme including what financial procedures and controls the party had in place to ensure it could comply with its PPERA obligations. As far as the Commission is aware, the party does not have such a set of written internal financial procedures and controls.

The following is a summary of the key areas where the Commission considers that currently the party has not demonstrated that it has adopted its financial scheme.

- At the meeting, it was clear that Mr Jahed Choudhury was not yet in a position to comply with paragraph 1.15 of the financial scheme, which says that the treasurer will ensure all other officers and members of the party have sufficient knowledge of the party's obligations under PPERA. Instead, Mr Choudhury said that he would take advice from the party's accountant on this point. As we will emphasise below, Mr Choudhury as treasurer must understand his legal obligations under PPERA and how to comply with them. An accountant's advice will no doubt assist, but it is not sufficient to satisfy the Commission that Mr Choudhury, and the other proposed officers of the party, have sufficient knowledge of their PPERA obligations.
- When asked at the meeting about what controls the party would put in place to manage the party's finances, the treasurer explained that the party had designed an Excel worksheet, a sheet for petty cash and a sheet for reporting donations for which he would be responsible for maintaining. While we note that financial documentation is essential, these are not in themselves controls on finances. In the Commission's view, the question was not sufficiently answered at the meeting, nor is the answer clear from the application and associated documents.
- The above point must also be seen in the context of confusion in the constitution as to who is responsible for controlling and managing the party's finances. See, for example, paragraph 7.1, which says that the day-to-day administrative oversight of finances will be delegated to

the treasurer or a working group who shall receive and manage all funds, arrange appropriate banking etc. That paragraph seems to be contradicted by paragraph 7.3 of the constitution which says that the funds will be under the control of the Executive Board with three authorised individuals (Leader, Treasurer and Secretary/Chair) responsible for day to day running. Paragraph 6.4 of the constitution seems to be different again as it says that the Officers of the party will have day to day responsibilities of the management and administration of the party.

- This confusion was in further evidence in the meeting, at which Mr Choudhury stated that only the Executive Board would be involved in the financial management of the party. He further said that the working group, mentioned in paragraph 7.1 of the constitution would mainly be required during a campaign period.
- Following from this, given the involvement of a number of other individuals in the management of the party's finances, it is not clear to the Commission how the treasurer will ensure he has the relevant information to maintain the party's records and fulfil the reporting requirements set out in the financial scheme. The party acknowledge in their financial scheme that ultimate responsibility for the financial affairs of the party rests with the treasurer. However, based on the information provided we are not satisfied that the treasurer has the necessary control to discharge his obligations under PPERA.
- Mr Choudhury does not appear to have procedures in place to check the permissibility of donations, referred to in paragraph 1.10 of the financial scheme, and the Commission is concerned that he does not know how to do so. At the meeting, for example, Mr Choudhury indicated he would use the Commission's website to check permissibility of donors. This is not a function the Commission's website performs, as our guidance on donations makes clear.
- Further, and again relating to donations, when asked the question by the Commission about how the party would deal with impermissible donations, Mr Choudhury could not outline a process he would follow and he omitted to say that he/the party would return impermissible donations. Again, when asked the question he could not outline procedures for ensuring aggregates of donations from the same source are recorded. Such omissions is a further indication that the treasurer and the party do not have a sufficient understanding of their PPERA obligations or controls in place to discharge them.
- Paragraph 1.5 of the financial scheme says that the party's financial year is from 1 January to 31 December yet Mr Choudhury contradicted this at the meeting stating that it will run from April to March. This contradiction further informs our view that the financial scheme has not been adopted.

2. How the party and the treasurer can satisfy you that they do have a sufficient understanding of their obligations under PPERA, particularly in relation to donations?

As the above indicates, there are a range of areas where the Commission is not satisfied that the financial scheme has been adopted and that the constitution sets out the organisation and structure of the party. Taken individually, each may be addressed through some revision of those documents and consideration of internal financial procedures and controls. We strongly recommend these were written down and disseminated to all those within the party involved in its governance and finances.

The party has been referred to our guidance, which will assist with this.

More widely, the treasurer of a registered political party takes on a number of legal obligations under PPERA, which are vital to the transparency of political finance in the UK. Mr Choudhury will no doubt wish to be aware that failing to comply with these obligations can result in a substantial fine. We therefore encourage him and the other party officers to ensure that they are aware of these obligations and clear on how, in practice, they will meet them.

At the meeting the treasurer referred to reliance on others, such as the Executive Board, accountant and legal adviser, in explaining how he would discharge his PPERA obligations. Seeking advice from other individuals where appropriate can be helpful. However, the treasurer cannot, in reliance on others, seek to absolve himself of ensuring that he has sufficient knowledge and control to discharge his PPERA obligations.

3. The specific concerns regarding the role of each of the relevant groups within the party?

4. Any other specific examples arising under the third question.

A response to these points is covered in the response to question one.

We hope the abovementioned information assists your client to provide a response. As set out above, the Commission will consider any information and/or evidence the party wishes to put before it in support of its registration application.

Yours sincerely,

[redacted]

Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

[redacted]

www.electoralcommission.org.uk
www.aboutmyvote.co.uk

From: [redacted]
Sent: 18 August 2017 16:43
To: [redacted] ; [redacted]
Subject: RE: Application for registration of a political party - Aspire CCM:0185135

Dear Sirs,

I acknowledge receipt of your firm's letter of 17 August 2017 a reply to which the Commission aims to send by the end of next week.

The Commission agrees to provide a reasonable extension of time to provide information to it and will set out the revised deadline in its reply.

Yours sincerely,

[redacted]

From: [redacted]
Sent: 17 August 2017 16:25
To: [redacted]
Cc: [redacted]
Subject: Application for registration of a political party - Aspire

Dear [redacted],

Please see attached letter concerning the application for registration of a political party called "Aspire".

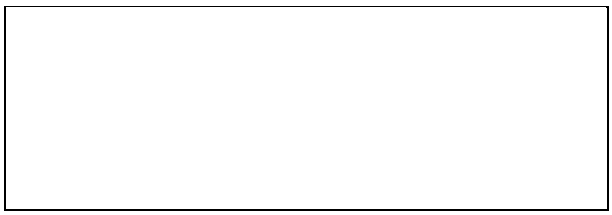
We would be grateful for your urgent response before 22 August 2017.

Please copy any correspondence to my colleague, [redacted] (copied) as I will be out of the office for the next week.

Kind regards

[redacted] | Partner | Bindmans LLP
Public Law

[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
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<hr size=2 width="100%" align=center>
This email message has been delivered safely and archived online by Mimecast.
For more information please visithttp://www.mimecast.com

Dear Mr [redacted],

I am writing to you in connection with a request for information received by The Electoral Commission which is being considered under Freedom of Information (FOI) Act.

The FOI request relates to the Commission's assessment of the application to register Aspire as a political party.

The Commission's assessment of Aspire's registration application makes reference to Bindmans LLP as the party's legal representatives and the contents of the correspondence between the Commission and Bindmans LLP.

Please note that we are writing to your firm in its own right and not as a representative of Aspire. In accordance with your email of 8 February 2018, we have also written separately to the party.

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 the fact that you provided this information to us, 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 **1:00 pm on Thursday 22 February 2018.** 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.

If you have any queries about this letter, please contact me.

Yours sincerely,

[redacted]
Registration Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

electoralcommission.org.uk
yourvotematters.co.uk
Twitter | **Facebook** | **Blog**

Many thanks for that confirmation [redacted]
Kind regards

[redacted] | Partner | Bindmans LLP
Public Law
[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross

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From: [redacted]
Sent: 27 February 2018 15:49
To: [redacted]
Cc: [redacted] Louise Edwards; [redacted]
Subject: RE: Urgent correspondence: Aspire's registered emblem CCM:0185203

Dear [redacted] and Mr[redacted]

I write further to my email to Aspire of 20 February 2018, and our exchange of correspondence since. The Commission has carefully considered the information that you provided and are satisfied that Aspire's registered emblem currently meets the statutory tests for registration. We have taken the decision not to remove Aspire's registered emblem from the register.

On the evidence presently before the Commission, we are satisfied that it is not likely that voters would be misled as to the effect of their vote. That is because Tower Hamlets Independent Group appears to have now effectively disbanded and become part of Aspire. Further, Aspire has confirmed to the Commission that there will be no further use of Tower Hamlets Independent Group leaflets. We also understand that Aspire will actively campaign in the run up to the election in support of those former Tower Hamlets Independent Group candidates that are now part of Aspire.

As you are already aware, under the Political Parties, Election and Referendums Act 2000 (PPERA) the Commission has a duty to maintain the registers of political parties. In accordance with that duty the Commission may conduct reviews of the registers to determine whether the party and its identity marks still meet the statutory tests for registration.

Your sincerely,

[redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
[redacted]
www.electoralcommission.org.uk

From: [redacted]
Sent: 26 February 2018 09:40
To: [redacted]
Cc: [redacted]; Louise Edwards; [redacted]
Subject: RE: Urgent correspondence: Aspire's registered emblem CCM:0185203

Dear [redacted] and Ms Edwards

I am informed that Aspire has instructed staff not to use the leaflets and urged them to either destroy all remaining copies or, alternatively, deliver the remaining leaflets to Aspire for

destruction. Aspire will endeavour to ensure that all leaflets are destroyed by the end of today (Monday, 26 February).
I trust that this allays the Commission's concerns.
Kind regards

[redacted] | Solicitor | Bindmans LLP
Public Law

[redacted] | www.bindmans.com
236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross
Engage with us: Twitter | LinkedIn | Insight
From: [redacted]
Sent: 23 February 2018 12:40
To: [redacted]
Cc: [redacted]; [redacted] Louise Edwards
Subject: RE: Urgent correspondence: Aspire's registered emblem CCM:0185203
Dear Mr [redacted],
Thank you for your email and the information provided.
The Commission is of the view that the distribution of Tower Hamlets Independent Group branded material to promote Aspire or its candidates must not continue. We suggest that the remaining leaflets are pulped to avoid any risk of inadvertent use.
There are particular rules in relation to imprints on campaign material pursuant to s 110 of the Representation of the People Act 1983 (RPA). An imprint must include the printer, promoter and any person on behalf of whom the material is being published (and who is not the promoter).
The promoter is the person who has authorised the material to be published. If the promoter is acting on behalf of a group or organisation, the group or organisation's name and address must also be included.
Given the change in circumstances, the imprint on the leaflets will now be incorrect. Failing to comply with the requirements of s 110 of the RPA is a criminal offence.
We are also of the view that continued distribution of the leaflets will perpetuate circumstances which will result in a voter being misled should a voter see Aspire's registered emblem on a ballot paper.
Please confirm by **10:00 am on Monday, 26 February 2018** whether the remaining material branded Tower Hamlets Independent Group will be used to promote Aspire candidates and whether or not that material will be destroyed.
As I will not be in the office on Monday, I would be grateful if you would please copy any response to my colleague Louise Edwards, Head of Regulation who is copied to this email.
Yours sincerely,

[redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
[redacted]
www.electoralcommission.org.uk
From: [redacted]
Sent: 22 February 2018 14:56

To: [redacted]
Cc: [redacted]
Subject: RE: Urgent correspondence: Aspire's registered emblem CCM:0185203
Dear Mr [redacted],
Thank you for your email which I confirm receipt of. We will be in further contact soon.
Yours sincerely,
[redacted]
From: [redacted]
Sent: 22 February 2018 10:41
To: [redacted]
Cc: [redacted]
Subject: RE: Urgent correspondence: Aspire's registered emblem CCM:0185203

Dear [redacted]

We are instructed by Aspire to respond to your email below.

In response to your three questions:

1. What connections, if any, are there between the Independent Group and Aspire? Please include any financial or organisational connections.

As you are aware, clause 5.5 of the Aspire Constitution, permitted all current elected councillors of the independent group of the Tower Hamlets Council ("THIG") at the time of the registration of Aspire to be enrolled as members of Aspire, subject to payment of the agreed party subscription. On 20 February 2018, all THIG councillors resolved to become members of Aspire and to pay the relevant subscription. Accordingly, the THIG no longer exists. We understand that Councillor Rahman has informed the Council's monitoring officer and its CEO of this matter and that Councillor Rahman has also informed the Electoral Commission.
2. Will all of the Independent Group councillors stand for election in the name of Aspire at the May 2018 polls?
As noted above, all THIG councillors have become part of Aspire. With one exception, they intend to stand for election in the name of Aspire in the forthcoming May 2018 elections. The one other councillor will stand down in May 2018 for personal reasons, but has become a member of Aspire until that point.

3. Is Aspire campaigning, or will Aspire campaign, in support of the electoral success of the Independent Group councillors?
As noted above, as of 20 February 2018 all THIG councillors are now members of Aspire. Aspire therefore will campaign for the success of the THIG councillors, as hey are now Aspire councillors.
Accordingly, our clients do not consider that there is any risk of confusion resulting from the use of the house logo by the THIG councillors, given that the THIG and Aspire are now effectively coterminous. A vote for a former THIG councillor will be a vote for Aspire. We consider therefore that Aspire should be continued to use the house logo as registered.
Relatedly, we would note that former THIG mayoral candidate Councillor Ohid Ahmed (who has now become the mayoral candidate for Aspire in accordance with Aspire's constitution) and his action team in each of the 20 wards have already produced leaflets to promote his candidacy. Producing these leaflets for the mayoral candidate has been costly and all the

leaflets are yet to be fully distributed. We understand that the distribution will be completed by mid-March 2018 and then a new round of leaflets will be produced in the name of Aspire using the house emblem. Aspire would ask that the Commission allows Councillor Ohid Ahmed and the members of the action teams to complete the distribution of the current leaflets under the name of THIG, which also has a house emblem. If this is not possible then we are instructed that it will cause financial hardship and that it will take at least two to three weeks to design and print new leaflets in the name of Aspire.

We hope that this addresses the Commission's concerns and look forward to confirmation that no further action needs be taken; however, should you require any further information on this matter, please do not hesitate to contact us.

Kind regards

[redacted] | Partner | Bindmans LLP

Public Law

[redacted] www.bindmans.com

236 Gray's Inn Road | London | WC1X 8HB | DX 37904 King's Cross

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From: [redacted]

Sent: 21 February 2018 15:07

To: [redacted]

Cc: [redacted]

Subject: RE: Urgent correspondence: Aspire's registered emblem CCM:0185203

Dear [redacted]

Thank you for your email. Given the proximity to the May 2018 polls it is important that we conclude this matter quickly. Considering that, we agree to extend the deadline for a response from Aspire to **midday on 22 February 2018**.

Yours sincerely,

[redacted]

Registration Manager

Political Finance and Regulation

The Electoral Commission

3 Bunhill Row

[redacted]

www.electoralcommission.org.uk

From: [redacted]

Sent: 21 February 2018 14:28

To: [redacted]

Cc: [redacted]

Subject: RE: Urgent correspondence: Aspire's registered emblem

Dear [redacted]

We are in the process of formulating a response on behalf of Aspire. However, I should be grateful if you would agree to a short extension until 5pm tomorrow (22 February) to us to provide that response.

I look forward to hearing from you.

Kind regards

[redacted]

[redacted] | Solicitor | Bindmans LLP
Public Law
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From: [redacted]
Sent: 20 February 2018 16:56
To: [redacted]
Cc: [redacted]
Subject: Urgent correspondence: Aspire's registered emblem
Importance: High

Dear Mr Jahed Choudhury,

I write following an exchange of correspondence we have had with Mr [redacted] of Bindmans LLP, who is acting on behalf of Aspire. The correspondence concerned a lunch event held, we understand, on 17 February 2018 to fundraise for the mayoral campaign of Councillor Ohid Ahmed.

In his email of 16 February 2018 at 16:21, Mr [redacted] advised the Commission as follows: *Councillor Ahmed is not currently a candidate for or member of Aspire, albeit that he attended the launch of Aspire as a guest. It may be that Councillor Ahmed joins and/or becomes a candidate for Aspire in due course, but that does not change the present circumstances, which are that Councillor Ahmed is an independent councillor.*

Prior to registering Aspire we were of the understanding from the party that the councillors that belonged to the Independent Group on Tower Hamlets council are part of Aspire. However, Mr [redacted] email has now made clear to us that Cllr Ahmed is not a candidate for or member of Aspire.

We understand that Cllr Ahmed and other councillors belonging to the Independent Group in Tower Hamlets have been distributing leaflets bearing the house image identical to that used in the emblem registered by Aspire. Some examples of this material are below, and I note that they appear to date from both before and after Aspire was registered as a political party.

We are writing because of the close similarity between the emblem registered by Aspire and the logo used by the Independent Group in Tower Hamlets. As you are already aware, an emblem cannot be registered if it would be likely, were it to appear on a ballot paper issued at an election, to result in an elector being misled as to the effect of their vote. You are also aware that the Commission is under a duty to maintain the registers of political parties and in accordance with that duty, may conduct reviews of the registers to determine whether the party and its identity marks still meet the statutory tests for registration.

The Commission is concerned that Aspire's registered emblem may be likely, if it were to appear on a ballot paper issued at an election, to result in an elector being misled as to whether their vote was being cast for Aspire or for a candidate for the Independent Group of Tower Hamlets. This is because of the use, by candidates for that Group, of this logo on campaign material.

We understand that literacy levels of some voters in Tower Hamlets may not be high. In that context, an emblem on a ballot paper can be the indicator some voters look for to enable them to place their vote against their preferred candidate, party or group. Given that the house images are identical, a voter may intend to vote for a candidate of Tower Hamlets Independent Group, but be misled in voting for Aspire on seeing Aspire's emblem on the ballot paper.

If in the Commission's opinion Aspire's emblem does not meet the statutory criterion, we must remove it from the register. **At this point, and subject to any representations you make in response to this letter, we are minded to remove Aspire's emblem from the register of political parties.** This will mean it cannot appear on the ballot paper.

Given the proximity to the May 2018 polls, we must understand urgently the connection between the Independent Group and Aspire. **Please provide any representations you wish to make on this matter, and answer the following questions:**

1. What connections, if any, are there between the Independent Group and Aspire? Please include any financial or organisational connections.
2. Will all of the Independent Group councillors stand for election in the name of Aspire at the May 2018 polls?
3. Is Aspire campaigning, or will Aspire campaign, in support of the electoral success of the Independent Group councillors?

Given that this is a live issue, and the May 2018 polls are close, please respond urgently and no later than **5pm on 21 February 2018.** Should we not receive a response from you by that time, the Commission will continue to take its decision on the emblem and advise you of the outcome.

We have copied this email to Bindmans for their information. This email is also copied to Mr Kalam Choudhury, registered leader of Aspire.

Examples of Independent Group material:



(accessed from twitter account: https://twitter.com/jbchoudhury?lang=en)



(accessed from twitter account: https://twitter.com/cllrohidahmed?lang=en)



(accessed from website: https://electionleaflets.org/leaflets/15724/)

Yours sincerely,

[redacted]

Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
[redacted]
[redacted]
[redacted]
www.electoralcommission.org.uk

BINDMANS LLP

Bindmans

Our ref: [redacted]
Date: 6 October 2017

Direct fax: [redacted]
Direct email: [redacted]
PA: [redacted]

FAO [redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

By email only: [redacted]

Dear Madam or Sir

Application to register a political party "ASPIRE"

We write further to your email of 5 October 2017 suggesting that, because our client has not yet adopted its financial scheme, the Commission will only now consider the appropriateness of that financial scheme, and will not consider the remainder of that application until the financial scheme has been approved and then adopted.

Our client is concerned and disappointed by the approach of the Commission, which appears intended to delay and disadvantage ASPIRE's application compared with other applicants. We also consider that neither the Commission's historic approach, nor its proposed approach is sustainable under the Political Parties, Elections and Referendums Act 2000 ("**PPERA**"), as set out further below.

You have suggested that a political party cannot be registered until a financial scheme has been adopted. We do not disagree. It is, however, also clear that such a financial scheme cannot be adopted until it has received written approval from the Commission. If it has not received such written approval before adoption then it is not in accordance with:

(a) Section 26(1), which can only properly be read as making written approval a pre-requisite for adoption (when read together with, for example, section 26(5));

(b) Section 28(1)(a) and paragraph 5 of Schedule 4, which explicitly require that the application is accompanied by a *draft* financial scheme.

SENIOR CONSULTANTS
[redacted]
PARTNERS
[redacted]
PARTER (DESIGNATE)
[redacted]

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It would appear that, in the interests of being flexible, the Commission has accepted applications and registered political parties where financial schemes have been adopted prior to written approval from the Commission. This is in direct contravention of the Act.

It is unclear why the Commission is unwilling to be similarly "flexible" with ASPIRE, and would seem to be penalising it for simply complying with the legislation. Why, for example, can the Commission not consider the whole of ASPIRE's application at the same time and provide approval subject to adoption of the financial scheme? It is clear that ASPIRE intends to adopt the financial scheme, and registration can then be made as soon as such confirmation has been provided to the Commission.

While we agree that the issue is "technical", we would note that it is one raised by the Commission and on which the Commission was willing to refuse registration. It is therefore clearly still a matter of importance to the Commission and our client.

To assist the Commission, we will shortly provide a copy of the Financial Scheme signed by the Leader, Treasurer and Secretary, showing that it has been adopted subject to written approval from the Commission. We hope this will allow you to consider the application as a whole.

If the Commission insists, contrary to PPERA, that ASPIRE adopt the financial scheme before it will consider the application as a whole, then ASPIRE will adopt the financial scheme. However, we reserve ASPIRE's right to raise this correspondence in any challenge to the validity of its registration. We would also suggest that, to the extent the Commission does not expect applicants to comply with the requirements of PPERA this should be made clear in its guidance so such confusion does not arise again.

Please also confirm why it has taken three weeks to raise what is a procedural matter?

We would be grateful if you could respond to this letter within three working days, and confirm that our client's application will proceed expeditiously thereafter.

If you require any further information, please do not hesitate to contact [redacted] or [redacted] of this firm.

Yours faithfully

[redacted]

Bindmans LLP

BINDMANS LLP

Bindmans

Our ref: [redacted]
Date: 15 September 2017

Direct fax: [redacted]
Direct email: [redacted]
PA: [redacted]

FAO [redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

Also by email: [redacted]

Dear Madam or Sir

Application to register a political party "ASPIRE"

We are formally instructed by Jahed Choudhury, proposed Treasurer of the political party ASPIRE, who we are instructed is acting with the support of Kalam Choudhury and Lillian Collins, proposed Leader/Chair and Secretary of the political party ASPIRE, in respect of which an application for registration is currently being considered by the Electoral Commission (the "**Application**").

We write further to your email of 25 August 2017, setting out the detail of the Registration Team's concerns regarding the Application and extending the deadline for our clients' response to 15 September 2017. We respond below to your concerns on behalf of our clients. We also enclose an amended Constitution and Financial Scheme for Aspire, together with other supporting documents as explained below.

1. **Aspects of the financial scheme considered not to be addressed by the party's proposed internal procedures**

1.1 You state that the "*criterion set out in PPERA is not to propose a financial scheme but to have adopted one*". We do not agree. The actual criterion in PPERA (Schedule 4, paragraph 5) is to submit with an application for registration "*a draft of the scheme which the party **proposes** to adopt for the purposes of section 26 if approved by the Commission under that section*" (emphasis added). Accordingly our clients are perfectly entitled, indeed they are required, to submit a proposed draft financial scheme. Please confirm that you will therefore withdraw this concern. Our client will adopt the Financial Scheme once it has been approved.

SENIOR CONSULTANTS
[redacted]

PARTNERS
[redacted]

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1.2 We enclose an updated version of the Financial Scheme in which are clients have sought to address your concerns.

1.3 As to financial procedures and controls, it is similarly not clear to us from where the requirement to have adopted such procedures and controls at the time of application arises. We would be grateful if you could confirm?

1.4 However, our client recognises the importance of such procedures and controls, and has accordingly prepared the enclosed procedures and controls:

(a) controls and procedures for handling donations, comprising:

(i) a procedure for the Treasurer to follow in respect of donations, including processes for recording all donations, for determining if a donor has given over £500 in aggregate, and for returning any donations that are impermissible;

(ii) a form to be completed by the Treasurer in respect of donations over £500 in order to evidence his determination of permissibility;

(b) controls and procedures for handling all expenditure, including campaign expenditure;

(c) controls and procedures for ensuring all relevant submissions and updates are made to the Commission; and

(d) a memorandum from the Treasurer to other Office holders and Elected Councillors of Aspire drawing their attention to the relevant controls and procedures and highlighting the most important matters in terms of donations, expenditure and submissions to the Commission.

1.5 Aspire is in the process of seeking from its accountant similar financial procedures and controls in respect of keeping, preparing and auditing accounts.

1.6 If the Commission requires sight of any additional documents, please confirm. Similarly, if the Commission has specific concerns regarding the controls and procedures proposed, Aspire would, of course, be happy to consider amendment.

1.7 We have also discussed the obligations of a Treasurer of a political party with Mr Jahed Choudhury. He understands that responsibility in respect of the above vests in him and, subject to the appointment of deputy treasurers in respect of campaign

expenditure, he cannot delegate that responsibility. He also understands his obligation to ensure other officers understand the requirements in respect of such matters.

1.8 This is appropriately reflected in both the Financial Scheme and the Constitution. In particular:

(a) all donations must be passed to the Treasurer of Aspire for banking (if not made through any electronic process established and monitored by the Treasurer), as explained in more detail in the attached financial controls and procedures for donations;

(b) all expenditure must be authorised by the Treasurer and the Campaigns Officer (or, if there is no Campaigns Officer, by one of the Chair or Secretary).

1.9 We similarly consider that any other confusion regarding roles and responsibilities, as well as Aspire's financial year, that could arise from the Constitution have now been addressed in the enclosed amended versions of the relevant documents.

2. How the Party and the Treasurer can satisfy you that they do have a sufficient understanding of their obligations under PPERA, particularly in relation to donations

2.1 Our clients have taken on board your concerns, have amended the Constitution and Financial Scheme, and have prepared internal financial procedures and controls as set out above and attached.

2.2 We have also reminded Mr Jahed Choudhury that failure to comply with his legal obligations can result in a substantial fine, and that he cannot absolve himself of responsibility by seeking the advice of others. He understands that while he can, and indeed should, seek advice as appropriate, ultimate responsibility remains with him.

2.3 We hope this will not be necessary, but to the extent that the Commission still has any concerns, our clients would be happy to attend a further meeting to discuss these matters.

3. The specific concerns regarding the role of each relevant group within the party

3.1 These concerns have been addressed above and by the attached.

4. Any other specific examples

4.1 These concerns have been addressed above and by the attached.

We hope the above and attached are sufficient to satisfy the Commission that there is no reason that the application should not proceed, but reiterate that our clients would be willing to meet with you, amend documentation, or provide additional documentation if that would be of assistance.

If you require any further information, please do not hesitate to contact [redacted] or [redacted] of this firm.

Yours faithfully

[redacted]

Bindmans LLP

Enc

BINDMANS LLP

Bindmans

Our ref: [redacted]
Date: 17 August 2017

Direct fax: [redacted]
Direct email: [redacted]
PA: [redacted]

FAO [redacted]
Registration Manager
Political Finance and Regulation
The Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

Also by email: [redacted]

Dear Madam or Sir

Application to register a political party "ASPIRE"

We are instructed by Jahed Choudhury, proposed treasurer of the political party ASPIRE, in respect of which an application for registration is currently being considered by the Electoral Commission. We understand Mr Choudhury is also supported by Mr Kalam Choudhury (proposed Leader) and Ms Lillian Collins (proposed Secretary) in respect of our approach to you.

On 1 August 2017, you emailed our client to indicate that the Registration Team was minded to include in its report to the "decision-maker" the following comments:

- *"The party does not appear to have sufficient processes in place to deliver the obligations set out in the financial scheme, i.e. the party does not have a set of internal procedures that set out in detail how the party will deliver the obligations in the financial scheme in practice.*
- *The party and the treasurer do not appear to have a sufficient understanding of their obligations under PPERA, particularly in relation to the rules regarding donations.*
- *It is not sufficiently clear who will be involved in the day-to-day running of the party's finances and how that is in line with the delivery of the financial scheme. For example, the constitution sets out a number of groups who will be involved in the party's*

SENIOR CONSULTANTS
[redacted]

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finances: the Executive Board, 'The Officers' of the party and a working group. It is not clear how those groups interact consistently with each other and what their role is in relation to the party's finances."

These comments are extremely broad in nature and it remains unclear how our client, in written representations to be made by 22 August, could realistically be expected to provide a meaningful response.

We are accordingly instructed to ask you to provide further details regarding your concerns and to agree an extension for the provision of a response to 12 September 2017, or three weeks after clarification is provided, whichever is later.

In particular, we would be grateful if you could provide clarity as to the following:

1. Which aspects of the required financial scheme it is considered are not addressed by the party's proposed internal procedures?

2. How the party and the treasurer can satisfy you that they do have a sufficient understanding of their obligations under PPERA, particularly in relation to donations?

3. The specific concerns regarding the role of each of the relevant groups within the party?

4. Any other specific examples of concerns arising under the third bullet point above.

While our client considers that the criticisms are invalid, in the absence of such clarity (and) his ability to address your concerns is severely hampered. If the clarity above is not provided, then we consider any subsequent decision would be unlawful, including on the basis of procedural unfairness and irrationality.

We therefore look forward to confirmation of the matters set out above, and agreement to the proposed extension as a matter of urgency.

If you require any further information, please do not hesitate to contact [redacted] or [redacted] of this firm.

Yours faithfully

[redacted]

Bindmans LLP