

From: [FOI](#)
To: [REDACTED]
Subject: FOI 099/18 - Communications regarding potential police Investigation
Date: 23 July 2018 16:36:41
Attachments: [REDACTED_Posner-B- to Byrne-L- EU Referendum investigations- 2018-05-11.pdf](#)

Dear [REDACTED],

Our Ref: FOI 099/18

Thank you for your email to the Electoral Commission dated **22 June 2018**.

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

Your request is in bold below followed by our response.

- 1. Please provide copies of all correspondence on or after 1 March 2018 between Members of Parliament, Liam Byrne and / or Shabana Mahmood and or Stephen Kinnock in relation to requesting a police investigation into Arron Banks and/ or Andrew Wigmore.**

Our response is as follows:

We hold the information you have requested.

We have identified correspondence between the Electoral Commission and Liam Byrne MP and the Electoral Commission and Stephen Kinnock MP.

1. Please see below the relevant extract from correspondence with Stephen Kinnock MP. This has been extracted as the rest of the correspondence was not relevant to your request and also contained personal data which we cannot disclose under section 40(2) of the Freedom of Information Act.

This letter was received by the Electoral Commission on the 26 March 2018.

On 4 April 2017 I wrote to the Metropolitan Police regarding the failure of both VoteLeave and Leave.EU to properly comply with electoral law. The Met Special Enquiry team confirmed that they had made contact with the Electoral Commission and were in "close contact" pending the completion of your review. Could you please confirm that you are liaising with the police on these matters, and that all evidence will be passed on to the Police so that they can make a determination as to the need to take forward criminal proceedings against the relevant persons or organisations as appropriate.

2. Please see below the relevant extract from a letter we received from Liam Byrne MP. This has been extracted as the rest of the correspondence was not relevant to your request and also contained personal data which we cannot disclose under section 40(2) of the Freedom of Information Act.

This letter was received by the Electoral Commission on the 11 May 2018, and

responded to by the Commission on 11 May 2018. See item number 3 below for our response.

Further, now you have concluded that one individual should be referred to the Metropolitan Police, can I ask why no recommendations were made to consider a prosecution under 'joint enterprise' rules which allow prosecution of the enablers of a serious offence? It seems highly unlikely that in this case the named responsible officer was acting on purely her own designs.

3. I also attached the response to Liam Byrne MP's letter from Bob Posner, the Commission's Director of Political Finance and Regulation & Legal Counsel.

It is also worth noting that the Electoral Commission has not requested a police investigation into Mr Banks or Mr Wigmore. For further details about our investigation into Leave.EU please visit our website using the link below.

[Leave.EU Press release](#)

[Report on our Investigation into Leave.EU](#)

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,



Access to Information Officer (FOI & DPA)

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Liam Byrne MP
House of Commons
London
SW1A 0AA

11 May 2018

Dear Liam,

RE: EU referendum investigations

Thank you for your letter of 11 May.

I can confirm The Commission has an investigation open in respect of Mr Banks and his company Better for the Country Limited. Our work on this is proceeding diligently and thoroughly and I am sure you will appreciate that it would not be appropriate to comment further on a live investigation. The outcome will be published in accordance with our [Enforcement Policy](#) in due course.

We have referred Leave.EU's responsible person to the Metropolitan Police. It is now for the police to decide what steps they take following our referral, including any wider or other offences.

Yours sincerely



Bob Posner
Director of Political Finance and Regulation & Legal Counsel