From:	FOI
To:	[redacted]
Subject:	Re: FOI 158/18 - BBC spotlight program - Response
Date:	09 November 2018 11:06:39
Attachments:	Email 2 Redacted.pdf Email 1 Redacted.pdf image001.png

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Dear [redacted],
Our Ref: FOI 158/18

Thank you for your email to the Electoral Commission dated **08 October 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. All correspondence, memos and notes of conversations between the BBC and the Electoral Commission concerning the BBC "Spotlight" television programme broadcast on 26th June 2018.

2. All correspondence, memos and notes of conversations between and other third party and the Electoral Commission concerning the BBC "Spotlight" television programme broadcast on 26th June 2018.

3. For 2018, all correspondence, memos and notes of conversations between the BBC and the Electoral Commission concerning Richard Cook.

4. For 2018, all correspondence, memos and notes of conversations between any third party and the Electoral Commission concerning Richard Cook.

5. All internal notes, memos and correspondence concerning the BBC "Spotlight" television programme broadcast on 26th June 2018.

Note: BBC Programme details:
https://www.bbc.co.uk/programmes/b0b7mmt4

Our response is as follows:

We hold some of the information you have requested.

The Commission has previously responded to a request under the FOIA which covers request 1, 2, 3 and 5 which you can find on our website here. Please find enclosed documents and correspondence including the extracted paragraph below for request 4.

The below extraction was taken from the Commissions 'media coverage' distribution email which summaries news stories of relevance. The below has been taken from the email dated 16 September 2018.

Scotland

Tory calls for pro-Brexit 'dark money' donor to be revealed
Sunday Herald - 16/09/2018
p23 News.
THE deputy leader of the Scottish Conservatives has called on a former party candidate to say who made a £435,000 donation to a pro-Brexit group during the Brexit referendum. Jackson Carlaw, the party's second-top figure, said Richard Cook, chair of Constitutional Research Council (CRC), should reveal the names of the donors. A spokesman for Cook said the Electoral Commission knows the identities of the CRC donors and has verified their eligibility.

The Commission has applied the following exemptions to your request:

Exemptions under Section 44

We cannot confirm or deny that we hold information relevant to your request under section 71E of the Political Parties Elections and Referendum Act 2000.

71E of the Political Parties Elections and Referendum Act 2000 (PPERA) places a duty of confidentiality on the Commission in relation to information that relates to donations from Northern Ireland recipients or information relating to our function in this area. Section 44 exempts from disclosure any information if its disclosure is prohibited by any enactment. As stated, the information requested is specifically prohibited from being released by section 71E of PPERA. The ICO recently upheld the Commissions use of Section 71E of PPERA within the last 12 months.

Exemptions under section 40(2)

You will notice that certain personal details have been redacted from the documents we are releasing. Section 40(2) provides exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requests would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by Part 1 of the DPA because the information relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances. We have also redacted some information which falls outside the scope of your request.

Exemption under Section 30 and 31

The Commission has a statutory function to conduct investigations into potential breaches of the reporting requirements in Political Parties, Elections and Referendums Act 2000 (“PPERA”).

Section 30(1)(a)(i) of the Freedom of Information Act 2000 (FOI) provides for exemption from disclosure of information which has been held at any time by a public authority for the purpose of any investigation which the authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.

Moreover, section 31(1)(a) of the FOI Act provides for an exemption from disclosure of information which would prejudice the prevention or detection or

crime.

A further exemption from disclosure can be found in section 31(1)(b) of the FOI Act, where information which would prejudice the apprehension or prosecution of offenders is exempt.

The Commission considers that disclosure of some of the information you have requested would prejudice the exercise of the Commission's statutory functions and its ability to conduct investigation such as in this matter.

Having carefully weighed the public interest relating to possible disclosure of the information requested under sections 30(1)(a)(i), 1(1)(a) and 31(1)(b) of the FOI Act we are satisfied that it is not appropriate at this time to disclose the information which the Commission holds. The Commission is satisfied that maintaining the exemption outweighs the public interest in disclosure.

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

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

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

Yours sincerely,

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

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

From: [redacted]
Sent: 10 January 2018 12:46
To: Public Info
Subject: Re: £143,000 CHANGE FOR GOING DOWN THE SWEET SHOP
<hr size=2 width="98%" align=center>
From: [redacted]
Sent: 10 January 2018 12:22
To: [redacted]@parliament.uk
Subject: Re: £143,000 CHANGE FOR GOING DOWN THE SWEET SHOP

[redacted]

During the Referendum, Richard Cook, of the Constitutional Research Council, and Scottish Conservatives, decided to spend £425,000 on campaigning for the Leave Vote. However, he sought anonymity. So, he channelled the money to a Northern Ireland political organisation, the DUP.

Unfortunately, the identity of the donor was revealed in the Times and Belfast Telegraph, in February. It is thought that the steward for the money was Rt. Hon. Geoffrey Donaldson MP, again mentioned in the Belfast Telegraph. Both the Scottish Conservatives and the DUP have close business and political relations with your Government.

The money was then channelled from Northern Ireland for spending in the capital, London, where it would have maximum impact.£282,000 was spent in advertising (full-page ads) in the Metro newspaper. So what happened to the change? (£143,000)

We have enquired with the Cabinet Office-they advised us to contact the Electoral commission. We did that and the EC said they were unable to respond because of the N. Ireland anonymity regime, designed for protection from sectarianism. This is not operating in this instance, casual corruption maybe. There may be mention of the incident in the Final Costs of Referendum Report (March 2018). So, what I am going to do, gratis, is ask the National Audit office if they can investigate. We may be able to clear up this curious detail of the Referendum. As you know I am writing an account, Dante's Referendum/The Croaking Raven.

I will contact Scottish Conservatives ,DUP,NAO, EC, and the MP involved. Also, the Sec.s of state, and the retired Sec. of state. If we find out, can we have the change,- for going? We'll bring back 5 Woodbine.

I was sorry to hear of the former Sec. of state for N. Ireland (Rt.Hon. James Brokenshire) having to give up for a health problem. He is a public servant of great integrity, before at Immigration, and we wish him a rapid recovery and return.

Yours

[redacted]

cc Geoffrey Donaldson MP
Derek Mundell, Sec. of State Scotland
Sec. of state N. Ireland: K. Bradley
NAO, Buckingham Palace Rd.
Media for transparency, Broadcast/Print
Electoral Commission

[redacted]

[redacted]

From: [redacted]
Sent: 02 July 2018 09:23
Subject: newsdirect: mention in SNP press release about Conservative funding
Good morning,
Please find below a SNP press release about Conservative funding that mentions the Electoral Commission.
RUTH DAVIDSON TOLD TO COME CLEAN OVER TRAIL OF MURKY DONATIONS

SNP MP Martin Docherty-Hughes has set out three key questions that Ruth Davidson must answer over the trail of murky donations leading "straight to her door."

In a letter to the Scottish Tory leader, the SNP MP urged Ruth Davidson "to be honest with the electorate about who funds her party, and why it chooses to obscure donations."

Last week, an investigation by BBC Spotlight Northern Ireland reported the practices of Richard Cook, the chairman of the Constitutional Research Council and former vice chairman of the Conservative Party in Scotland.

It revealed that Cook was behind the DUP's £435,000 donation during the EU referendum, and has "a trail of involvement in illegal activity and foreign money."

The Ferret website has revealed evidence suggesting that Scottish Unionist Association Trust - which has bankrolled the Scottish Tories to the tune of nearly £320,000 - does not meet the criteria that they are an 'exempt trust'.

The SNP's Pete Wishart MP is awaiting a response from the Electoral Commission following his calls for an in-depth investigation into SUAT in relation to its funding of Ruth Davidson's party.

However, Mr Wishart warned that the scandal surrounding Cook is just 'the tip of the iceberg' when it comes to the conduct of the Tory party and its funding.

Commenting, Martin Docherty-Hughes MP said:

"Ruth Davidson has serious questions to answer over these revelations, as it seems her party has been bankrolled by murky donations.

"She can no longer operate in the shadows and avoid the growing calls for clarity over the trail of dark money leading

straight to her door.

“These findings raise some serious concerns, and she must now make clear what checks the Scottish Tory party had in place before accepting such large donations? Is Richard Cook the ultimate source of the donations set out, and is he still a member of the Scottish Tory party? And, whether or not the party still has a policy of accepting donations from the Constitutional Research Council?

“I urge Ms Davidson to be honest with the electorate about who funds her party, and why it has chosen to obscure donations in this way.”

ENDS

Notes for editors –

Letter from SNP MP Martin Docherty-Hughes to Ruth Davidson is available upon request.

The dark money driving the Scottish Tory surge: https://www.opendemocracy.net/uk/brexitinc/adam-ramsay-peter-geoghegan/dark-money-driving-scottish-tory-surge

Electoral Commission probes £319,000 Tory ‘dark money’ trust: https://theferret.scot/secretive-trust-scottish-tories-dark-money/

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