The Electoral Commission

3 Bunhill Row
London EC1Y 8YZ

Tel: 020 7271 0500
info@electoralcommission.org.uk
electoralcommission.org.uk

Sent via email: [redacted]

6 March 2023

Dear [redacted],

Internal review of FOI request FOI 002-23

Thank you for your email to FOI@electoralcommssion.org.uk of 7 February 2023 seeking an internal review of your request for information, reference number FOI 002-23.

In seeking an internal review you made the following comments:

I am dissatisfied with this response and request that the Commission conducts a substantive review.

The material supplied falls far short of the material requested.

In particular, but not exclusively, there has been a failure to provide any of the correspondence between the Commission and the SNP over the loans and repayments involved.

There is no correspondence from the SNP to the Commission reporting the loan in 2022, no letter, no email, no copy of a completed form, and nor is there is any correspondence from the Commission to the SNP in relation to the late reporting of the loan or repayments.

The material released on 6 February refers to the late reporting being dealt with by way of "guidance". However this guidance and associated correspondence is not supplied.

It is my impression that the Commission has failed to conduct a thorough search of its records for the correspondence about this loan, repayments and guidance which must have existed at the time, and can doubtless be recovered from Commission records.

In addition, if the SNP, its officials or representatives have requested that material be withheld under a qualified exemption, I would argue that the public interest strongly favours disclosure over non-disclosure.

The SNP has been the party of government in Scotland since 2007.

It is the largest party in the Scottish Parliament and the third largest part in the UK Parliament.

How it operates is clearly a matter of interest to the voting public.

If the Commission has decided to withhold any of the material under a qualified exemption, I would reiterate that argument about the SNP and the public interest favouring disclosure, and add that the operation and decisions of the Commission are also matters of public interest favouring disclosure.

I would therefore be grateful if you would carry out an internal review of the handling of my request and release all the material requested in full as soon as possible after a thorough search of your records.

Outcome of your internal review:

I have reviewed the information provided in our original response to your request. I uphold the redactions made to that correspondence with reference to personal data and the scope of the request.

I have reviewed whether there was further correspondence which falls within the terms of your request. I include, accordingly, correspondence from the Commission to the SNP setting out the findings of the Commission's Regulation Panel and giving details of, and links to, the guidance provided to the SNP. This letter was issued a second time following an error in the first letter and I include copies of both letters. The date of the letter does not fall within the timeframe of your original request but I have nevertheless included it since we were aware at the time of the response that we would be issuing such a letter. We apologise that the letter was not sent to you previously.

I have asked the relevant department of the Commission whether there is any further correspondence within the terms of the request, and they have confirmed that there is not.

I have completed this review because I am a member of the Electoral Commission's management team and I was not previously involved in the original response to your request.

If you remain dissatisfied with our response, you can appeal to the Information Commissioner at: The ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. For further details about the appeal procedure please visit www.ico.org.uk.

Yours sincerely

Carol Sweetenham
Head of Projects
electoralcommission.org.uk

The Electoral Commission

Mr Colin Beattie
Scottish National Party (SNP)
Gordon Lamb House
3 Jackson's Entry
Edinburgh
EH8 8PJ

03 February 2023

Sent by email

Dear Mr Beattie,

Further to Andy O'Neill's conversation with Mr Murrell it seems that the Commission did not in fact send the party a guidance letter regarding the transaction below, although our records indicate that one was to be sent.

I am therefore writing to you now in your capacity as Scottish National Party (SNP) party treasurer now, regarding your party's failure to correctly report a transaction in the quarterly transactions report for the reporting period in which the transaction is entered into. The transaction's details are in the following table:

Transaction Reference	Authorised Participant	Value	Start Date	Reported in	Correct Reporting Period
AL0559123	Peter Murrell	£155,240	20 June 2021	Q2 2022	Q2 2021

This was a potential breach of section 71M(5) of the Political Parties, Elections and Referendums Act 2000 (PPERA).

Parties that fail to correctly report donations and transactions in the appropriate quarterly report may be referred to our Casework and Investigations Team in line with the Commission's enforcement policy which is available on our website:

https://www.electoralcommission.org.uk/__data/assets/pdf_file/0011/199703/April-2016-Enforcement-Policy.pdf

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On this occasion we decided it was not proportionate to refer this breach for investigation and instead issue you with appropriate guidance.

Please be aware that if, in future, the party again submits incomplete or incorrect quarterly reports, the Electoral Commission may decide not to take this approach again.

Please also be aware that guidance is available for party treasurers submitting quarterly donation and transaction reports on the Electoral Commission website:

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

https://www.electoralcommission.org.uk/political-party-donations-and-loans-great-britain/which-donations-and-loans-do-you-need-report

If you have any queries regarding the content of this letter or any of the Commission's guidance, please feel free to contact me using the following details.

Yours sincerely

[redacted]

Senior Financial Reporting Officer

[redacted]

[redacted]

---------- Original Message ----------
From: [redacted]
Received: 14/02/2023 16:44
To: Colin Beattie; Scottish National Party (SNP); Scottish National Party (SNP); Scottish National Party (SNP) (GB)
Cc: [redacted]; [redacted]; Peter Murrell; Peter Tierney Murrell
Subject: FW: Electoral Commission - Guidance - Late Reported Transaction in Q2 2022

Dear Mr Beattie,

Please find attached a replacement copy of the guidance letter sent previously. I am re-issuing this due to the error in the table regarding the transaction's value. It has now been corrected. For the avoidance of doubt, I'd like to also confirm the correct value has been displayed on our PEF Online system throughout, the error in the value was only made on the previous copy of this guidance letter.

My apologies for any confusion or inconvenience caused by that error.

Thank you,

[redacted]
Senior Financial Reporting Adviser

The Electoral Commission
[redacted]
electoralcommission.org.uk

---------- Original Message ----------
From: [redacted]
Received: 03/02/2023 15:48
To: Colin Beattie; Scottish National Party (SNP); Scottish National Party (SNP); Scottish National Party (SNP) (GB)
Cc: Peter Murrell; Peter Tierney Murrell
Subject: Electoral Commission - Guidance - Late Reported Transaction in Q2 2022
Dear Mr Beattie,

Please find attached a guidance letter, regarding the Scottish National Party (SNP) Quarter 2 2022 transactions report.

If you have any questions about the attached letter, please feel free to contact me directly, or the Electoral Commission advice and guidance function using 0333 103 1928 or pef@electoralcommission.org.uk.

Thank you,

[redacted]
Senior Financial Reporting Adviser

The Electoral Commission
[redacted]
electoralcommission.org.uk

The Electoral Commission

Mr Colin Beattie
Scottish National Party (SNP)
Gordon Lamb House
3 Jackson's Entry
Edinburgh
EH8 8PJ

14 February 2023

Sent by email

Dear Mr Beattie,

Further to Andy O'Neill's conversation with Mr Murrell it seems that the Commission did not in fact send the party a guidance letter regarding the transaction below, although our records indicate that one was to be sent.

I am therefore writing to you now in your capacity as Scottish National Party (SNP) party treasurer now, regarding your party's failure to correctly report a transaction in the quarterly transactions report for the reporting period in which the transaction is entered into. The transaction's details are in the following table:

Transaction Reference	Authorised Participant	Value	Start Date	Reported in	Correct Reporting Period
AL0559123	Peter Murrell	£107,620.00	20 June 2021	Q2 2022	Q2 2021

This was a potential breach of section 71M(5) of the Political Parties, Elections and Referendums Act 2000 (PPERA).

Parties that fail to correctly report donations and transactions in the appropriate quarterly report may be referred to our Casework and Investigations Team in line with the Commission's enforcement policy which is available on our website:

https://www.electoralcommission.org.uk/__data/assets/pdf_file/0011/199703/April-2016-Enforcement-Policy.pdf

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Please be aware that if, in future, the party again submits incomplete or incorrect quarterly reports, the Electoral Commission may decide not to take this approach again.

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https://www.electoralcommission.org.uk/political-party-donations-and-loans-great-britain/which-donations-and-loans-do-you-need-report

If you have any queries regarding the content of this letter or any of the Commission's guidance, please feel free to contact me using the following details.

Yours sincerely

[redacted]

Senior Financial Reporting Officer

[redacted]

[redacted]