From: FOI
To: [redacted]
Subject: FOI 065-25 - Response Referendums, elections and by-elections
Date: 15 July 2025 14:32:15

Dear [redacted]

Our Ref: FOI 065-25

Thank you for your email to the Electoral Commission dated 04 June 2025.

The Commission aims to respond to requests for information promptly and regrets that is has not done so within the statutory timeframe of twenty working days, which we apologise for.

Your request is in bold below followed by our response.

I wish to seek information on how much was spent by the Labour Party and Scottish Labour in campaigning for the Hamilton byelection including that of costs spent on social media campaigns including X and other sources. In addition, I would like to know the source of their funding for this campaign.

Our response is as follows:

We hold the information you have requested.

We hold candidates' spending returns for the Hamilton by-election, which we received on 14 July 2025. However, the information requested is exempt from release under section 21 of the Freedom of Information Act (FOIA) because it is reasonably accessible by other means. We have explained this in detail below:

Candidate spending returns

After the election, spending by or on behalf of the Labour candidate at the Hamilton by-election must be reported by their election agent in a return to the Returning Officer at South Lanarkshire Council.

A candidate must deliver a return containing a statement of all election expenses and all payments made by the election agent, supported by bills and invoices, as well as donations accepted.

The return must be accompanied by both the candidate's and their agent's declarations stating that the return is complete and correct to the best of their knowledge and belief.

Social media spending is usually reported under the "advertising" category in candidates spending returns. Therefore, the information you are looking for will appear there in the return.

Candidate returns must be submitted to the Returning Officer within 35 days of the election result being declared. Returning Officers must make the full returns available for public scrutiny on request for a period of two years beginning with the date when the return is received, starting ten days after the return was due. For this by-election the deadline for returns was Friday 11 July, and they will be available from the local authority on Monday 21 July 2025.

Consideration of Section 21 exemption

Section 21 of FOIA provides an exemption from disclosure where the information is reasonably accessible from the public authority or from any other person obliged to communicate the information whether free of charge or on payment (here the returning officer under s89 RPA 1983). This applies to your request.

Section 21 is an absolute exemption and, once satisfied that the information is accessible via other means, we do not need to consider the public interest test.

It is normal practice for the Commission not to publish or release candidate spending returns under FOIA and apply the section 21 exemption.

Further information and guidance

For more background information, you can view our guidance on spending and donations for candidates at a Scottish Parliamentary constituency by-election here. We've also set out some information below relating to party spending and donations.

Party spending
At certain elections, there are regulated periods during which there are also controls on spending by political parties. This covers any spending which promotes the party in general, but not any particular candidate (and so does not appear in a candidate return). Parties submit their spending returns to us, and we publish them on our website.

There is a regulated period before a general election to:

- The UK Parliament
- The Scottish Parliament
- The Senedd
- The Northern Ireland Assembly

The Hamilton, Larkhall and Stonehouse by-election did not take place during one of these regulated periods. This therefore means that any party spending that did not have to be reported in a candidate return will not have to be reported separately by the party.

Party donations

Political parties also report certain donations they have received to us on a quarterly basis. We publish them on our website.

Parties must report details such as the source of the donation and the date they received it. However, they do not need to report any purpose the donation was given for, so it is not possible to identify donations that were given specifically for the party's campaign in Hamilton, Larkhall and Stonehouse.

Publicly available information on social media spending

Access to political advertising on social media in the UK is limited. There are only three social media companies which provide accessible ad transparency portals.

- Meta - includes Facebook and Instagram - Ad Library report.
- Google - includes Google and YouTube - Ad transparency.

Although Snapchat - Ad library – also provide details of advertising in the UK it is rare that any of this spending is by UK political parties and only provides details of the previous year.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request. 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: www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-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

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