

[REDACTED]

From: FOI
Sent: 28 March 2018 11:41
To: [REDACTED]
Cc: FOI
Subject: FOI 020/18 Scotland in Union 2018 - Response
Attachments: FOI 020_CombinedFilesForRelease.pdf

Categories: Transferred to Skynet
SharePointLocationUrl: [http://skynet/dm/Functions/IM/Requests_FOI_DPA/Scotland in Union 2018](http://skynet/dm/Functions/IM/Requests_FOI_DPA/Scotland%20in%20Union%202018)
SharePointAbsoluteFileUrl: [http://skynet/dm/Functions/IM/Requests_FOI_DPA/Scotland in Union 2018/FOI 020_18 Scotland in Union 2018 - Response_1r94qq2a.msg](http://skynet/dm/Functions/IM/Requests_FOI_DPA/Scotland%20in%20Union%202018/FOI%20020_18%20Scotland%20in%20Union%202018%20-%20Response_1r94qq2a.msg)

Dear [REDACTED]

Our Ref: FOI 020/18

Thank you for your email to the Electoral Commission dated **09 February 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.

Please supply all items of information held by the Electoral Commission in relation to Scotland in Union generated since 7 January 2018.

<http://search.electoralcommission.org.uk/English/Registrations/TP6513>

The information should include, but not be limited to, all paperwork filed with the Commission which is not already available through PEF Online, all correspondence between the Commission and Scotland in Union or its agents, all internal correspondence about Scotland in Union and all complaints lodged in respect of Scotland in Union.

Our response is as follows:

We hold the information you have requested.

Please see enclosed copy of documents as per your request.

Some of the correspondence we are releasing relates to a review of an allegation that donations to Scotland in Union, a registered non-party campaigner, may not have complied with the reporting requirements for donations. The Commission has now concluded that review and is satisfied that Scotland in Union complied with the reporting requirements for donations as set out in the Political Parties, Elections and Referendums Act 2000.

Please note, some of the information contained in the attachments to this response is personal data such as the names, and contact details of junior staff at the Electoral Commission and Scotland in Union which is exempt under section 40 of the FOI Act. We have also applied redactions to a spreadsheet of donor information which was provided to us as part of our compliance case. As these donations do not meet the threshold for transparency under the Political Parties Elections and Referendums Act 2000 (PPERA), their names have been redacted under section 40 of the FOIA. Further explanation of the section 40 exemption is provided below.

Section 40(2) and (3)(a)(i) of the FOI Act

Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2000 (DPA), and where release of the information requested 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 section 1 of the DPA because the information relates directly to an identifiable living individual. Release of this information would breach the first data protection principle, which states the information must be processed fairly and lawfully.

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,



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On 9 February 2018 at 17:11, [REDACTED]
wrote:

Thanks Alastair. If I have any follow up questions, I appreciate you'll be away so it may be a little while before you can respond.

Kind regards

[REDACTED]

From: Alastair Cameron [mailto:[REDACTED]]
Sent: 09 February 2018 17:04
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

Thank you for getting back to me. If you need to contact me next week, I will be checking emails occasionally – but I may not be able to respond in detail as I will not have my PC with me.

One thing I need to highlight to you anyway: I have just checked again the information I provided to you last Friday, and I have found an error which I made while consolidating our data. Four people ([REDACTED]) are shown as 'one-off' donors, but in fact they each gave to SIU on more than one occasion. Their total amounts remain the same. I have attached an updated version of the information, with the changes in red text (just changes to start and end dates) – my apologies for the need to make this change, but having noticed the error I thought I should amend it straight away. (Password remains the same.)

With regard to your specific questions:

1. We ask for donations in a variety of ways, whether that's generally (for example on our website and social media), or face to face (individually, or at events). We have consistently asked people to support us for three main reasons: so that we can continue to make a positive

case for Scotland in the UK; so that we can help to prevent another referendum on independence within the 'once in a generation' timeframe; and so that we can be ready for another referendum campaign if one was called.

We have not asked for donations to be given for regulated activities: donations are given for the general costs of the organisation and our campaign, and particularly the need for professional staff. We seek donations to enable our staff to be secure in their jobs, so that they can focus their energies on the case for Scotland being in the UK rather than looking around for supplementary work. To be clear, with the exception that I have previously outlined (the donation funding an aerial banner), we have not sought or received donations over £500 intended for campaigning in any election.

2. The focus groups were carried out for us by BBM Campaigns, in late January and early February 2016. The main aim was to identify broad long-term themes which SIU could use in telling the story of why Scotland should be part of the UK; there was a secondary aim to test awareness of SIU's brand and to gauge reactions to our name and logo. We used the output to inform our overall strategy, and to plan for activity in the medium term. One of our Vice Chairs, who was helping us to fundraise at the time, asked [REDACTED] who was his contact, to assist us with the cost of the focus groups, as it was a significant outlay at the time (total cost was c£25,000, so the donation only covered part of the cost).

3. The information relating to auction prizes and bids that I have supplied you with is from two different events: one in September 2016 in Edinburgh, and the other in March 2017 in Aberdeen. At the time of each of these, we were not (and had no reason to be) registered with the Electoral Commission, and there was no prospect of an election until 2021. Prizes were donated from personal contacts of SIU directors and supporters. Bidding for the prizes happened on the night at each event, and of course all guests were encouraged to bid by speeches from various people. Donors would have expected the money to be spent on SIU's non-regulated activity well in advance of any election, given that the next one was expected in 2021.

I hope these responses help, and are answering your questions as you expect. If you have any further questions or concerns, do please let me know. We have frequently sought guidance from the Commission in the past, and consistently tried to act in accordance with that guidance, so I hope you can be satisfied to that effect.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union



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[REDACTED]

From: [REDACTED]
Sent: 07 February 2018 12:16
To: Andy O'Neill; [REDACTED]
Subject: FW: FW: Scotland in Union: Your queries re donations, and reporting action required
Attachments: Meeting with Electoral Commission 19Jun17.docx

Hi both,

Alastair has sent the attached note – do we have our own note of the meeting, I'm not sure it was in the FOI?

Thanks
[REDACTED]

From: Alastair Cameron [REDACTED]
Sent: 07 February 2018 11:48
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

I hope this finds you well. Apologies for perhaps appearing impatient, but I thought I would get in touch to let you know that I am on holiday from the end of this week, and therefore if you do have any further questions, might you be able to let me know as soon as practical (and/ or to wait for any answers until the week after next)?

Of course, we are very keen to do anything which helps the Commission to reach a conclusion, as you no doubt have seen the press saying 'Scotland in Union is under investigation', which is harmful to the organisation's reputation and is causing stress and distraction for our staff.

One thing which did occur to me, based on the recent Freedom Of Information requests and responses, was that you do not have a note of the meeting of 19th June between me, [REDACTED] and Andy, so I thought it might be helpful to provide my note of that meeting, which I wrote on 23rd June.

The note, attached, was intended for our internal use only, so some of the language may be less formal than that which I would have used for external consumption (and my apologies to Andy for not recalling his name at the time when I wrote the note!). That said, I thought it might still be helpful to provide it.

Specifically with reference to donations and the 2017 Election, for example, it includes my note that I checked about donation reporting for SIU, as a non-party campaign group with mostly non-regulated spending - this feels relevant to me, and adds to the previous email exchanges on that subject, from 2015 and 2016.

I hope this is helpful, and I look forward to hearing from you in due course.

Kind regards
Alastair

Alastair Cameron
Director
Scotland in Union

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On 2 February 2018 at 15:55, Alastair Cameron [REDACTED] > wrote:
Great, thanks for confirming.

Have a good weekend.
Alastair

Alastair Cameron
Director
Scotland in Union

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On 2 February 2018 at 15:50, [REDACTED] wrote:

Thanks Alastair, I was just calling you back as you called [REDACTED]

I can open the spreadsheet no problem.

Kind regards,

[REDACTED]

From: Alastair Cameron [mailto: [REDACTED]]
Sent: 02 February 2018 15:41
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

As requested, please find attached a password-protected spreadsheet with a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given. Do please let me know if you have any questions about the data.

I mentioned previously that we had only one donation which was reportable, in 2015, and we corresponded about the events which led to our not reporting it as an aggregated sum in 2015. I recalled that it was for £1,400, but now that I have checked properly, I can see that the donation was actually for £1,560 - you will see it in the attached list.

As discussed, I will provide the password to the spreadsheet by phone. I call your number shortly.

Regards

Alastair

Alastair Cameron

Director

Scotland in Union

[REDACTED]
www.scotlandinunion.co.uk

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On 2 February 2018 at 10:17, [REDACTED] wrote:

Hi Alastair,

Thank you – yes that's the right number for me. If for whatever reason you can't reach me, I'll give you my colleague [REDACTED] number as a backup – [REDACTED]

Thanks

[REDACTED]

From: Alastair Cameron [mailto:[REDACTED]]
Sent: 01 February 2018 21:00
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Hello again, [REDACTED]

We're on track to share with you tomorrow (Friday), as requested, a list of all donors who have given over £500 in the period 26 January 2015 to 8 June 2017, and the amount each has given, as well as noting whether donations were given for a specific purpose.

I would like to send this as a password-protected spreadsheet, and to provide the password via another means rather than email. To that end, is there a phone number which I could use to advise you of the password, once the spreadsheet is on its way? Is [REDACTED] the right number to use, for example?

Thanks

Alastair

Alastair Cameron

Director

Scotland in Union

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On 30 January 2018 at 16:37, Alastair Cameron <alastair@scotlandinunion.co.uk> wrote:

Thanks, alastair@scotlandinunion.co.uk

We have actually been registered twice, with a gap in between.

1. Our first registration began on 26 January 2015, for the 2015 UK General Election, and was automatically extended until the 2016 Scottish Parliament Election, after which it lapsed, on 5 May 2016. This lapsing made sense at the time, as there was no election due until 2021.
2. We registered again on 26 May 2017, for the 2017 UK General Election.

That said, I presume you want to see all over-£500 donations which fall into either of our registration periods, or during the regulated period for the 2017 Election (which stretched back to 9 June 2016). We will prepare a consolidated list based on that basis, unless you let me know otherwise, with the aim of getting it to you on Friday.

With regard to the £1,400 in 2015, I actually submitted it as a fully itemised return in the first place. The Electoral Commission then removed it from our return, as it was below the threshold for needing to be itemised. I can see from your note that it should then have been re-submitted as an 'aggregated' item. I think it's probably worth noting that I originally submitted it in full, and had correspondence with the Commission about it (I think [REDACTED] rang me about it, if I recall correctly), but if you would like me to do anything specific to ensure it is now correctly recorded as aggregated, do please let me know.

Regards

Alastair

Alastair Cameron

Director

Scotland in Union

[REDACTED]
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On 30 January 2018 at 16:08, [REDACTED] > wrote:

Dear Alastair,

Thank you for your reply.

As I said in my original email response to Pamela's questions, the post-poll donations return *must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised.*

As such, a donation of £1,400 towards regulated activity would indeed have been reportable in 2015 in this aggregate figure. A gift of £50 does not meet the criteria to be considered a donation.

We are asking for the full list of donations so we can conduct our own review to satisfy ourselves that nothing has been missed from past returns. We appreciate the information you have given, however we do still require the list to make our own review.

The dates reflect your periods of registration with the Commission – the first period of which began on 26 January 2015.

I appreciate you are concerned about the security of your data. However, the relevant staff are not in the Edinburgh office but here in London, and so it does need to come here. If you feel uncomfortable emailing it to us and want to use another method, such as a courier, then that would be fine. We do deal with large quantities of financial and other sensitive data, so you can have confidence in its security with us.

Kind regards,

[REDACTED]

From: Alastair Cameron [mailto:[REDACTED]]
Sent: 29 January 2018 13:55
To: [REDACTED]
Cc: [REDACTED]; [REDACTED] Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

Thank you for your email, and particularly for confirming the Commission's view on our expenditure returns. On the FOI matter, I have been in correspondence with [REDACTED], who has been very helpful.

We are of course happy to provide any donor information that the Electoral Commission requires, but before we invest the time in producing a consolidated list as requested in your email, could you please let me know exactly why you need this information?

Almost all of our donations are not reportable, because they have not been given, for a specific electoral campaign purpose – a situation I have confirmed explicitly with Electoral Commission staff in 2015, 2016 and 2017. I can provide details of those confirmation exchanges, if that would help.

There are only two exceptions in terms of donor purpose/ instructions, both from 2015, when we received a cash donation of £1,400 and an in-kind donation of £50, each of which was given specifically for activities which we believe passed public and purpose tests. I can of course provide more information on these two donations (which are non-reportable by virtue of value, rather than intent), but I'm not sure what would be gained from our providing more detail on other non-reportable donations; hence my question above.

Notwithstanding the main point above, if we are still required to provide a list, I would be grateful if you could also clarify why these particular dates have been chosen.

We are keen to assist the Electoral Commission, but our supporters are quite rightly concerned about their information being shared, as there is a significant risk that they could be harassed or intimidated if this information gets out. This concern has been highlighted by a recent data theft from SIU. To that end, we have a responsibility to our supporters to know why their personal information is being requested, and to minimise the risk that it will be shared further. If we do still need to produce a list of non-reportable donations, I hope we can agree a way to share it which minimises that risk (e.g. perhaps I can show it to Electoral Commission staff in the Edinburgh office, rather than emailing it?).

I hope that all makes sense. If you could please reply as soon as possible to confirm the rationale for the request, and whether you do still need a list of non-reportable donations given the information above, then that would be much appreciated, as we will need some time to pull it together and ensure it is presented consistently.

Many thanks

Alastair

Alastair Cameron

Director

Scotland in Union



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On 26 January 2018 at 11:37,  wrote:

Dear Alastair,

Thanks for your reply.

Spending

Thank you for your detailed comments regarding your reporting of spending at the 2017 UK Parliamentary General Election (UKPGE).

We have concluded that – given your prompt steps to register with us, and desisting from further campaigning after the election was called – it would not be appropriate or proportionate to take any enforcement action in this regard.

Donations

Thanks too for submitting the nil donations return, which I can see has appeared in our system. To confirm, there was a reminder sent out to the responsible person of all non-party campaigners on 3 August 2017 to confirm the requirements of the post-election return.

We note that you have not reported to us any relevant reportable donations at this election, or at the other elections for which you were registered with us as an NPC (2015 UKPGE, 2016 Scottish Parliament). It does not appear that you submitted a donations return following the Scottish Parliament elections in 2016.

We need further information from you to satisfy ourselves that no relevant donations have been missed from the various reports submitted, and for your own assurance that you are complying with the rules appropriately.

To that end, we ask that you send us details of all donations received by Scotland in Union of above £500 in the period from 26 January 2015 to 8 June 2017, so that we can further assess this and ensure nothing reportable was missed. Please send these to us by no later than close of business on 2 February 2018.

This is not currently being formally assessed under our [Enforcement Policy](#). However, depending on the information we receive, it may be that we do so in the future.

I understand you are also in touch with my colleague [REDACTED] about an FOI request, and she has requested any comments by Monday – I mention this just as a reminder so you don't confuse the two deadlines.

Kind regards,

[REDACTED]

[REDACTED]

Senior Financial Reporting Adviser

The Electoral Commission

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[Twitter](#) | [Facebook](#) | [Blog](#)

From: Alastair Cameron [REDACTED]
Sent: 10 January 2018 21:30
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

Thank you for your email, including for the answer to questions. In response to your two point raised towards the end of your mail:

1. 2017 General Election donations return

Based on guidance received from Electoral Commission officers, both in the run up to the 2017 General Election and when discussing previous elections, we do not have any donations which require to be reported for the 2017 General Election. I must apologise that I did not submit a formal nil return; this was purely an oversight, and I will rectify it via PEFonline as soon as possible. The only point I would like to add is that I do not recall having received a reminder, which might have been helpful, but that is a minor point, and I will submit our nil return straight away.

2. 2017 General Election expenditure total

a. At the time the snap General Election was announced, Scotland In Union was not registered with the Electoral Commission, as we were not anticipating any need to be registered until the run-up to the 2021 Scottish Parliament Election. As soon as the General Election was announced, we suspended the main parts of our on-going campaigning (which includes general campaigning about the benefits of the UK, as well as specific campaigning against another independence referendum, and does not touch on any party policies except for those which concern the union). We did this because we wanted to avoid confusion, and so that our supporters could feel free to campaign for their preferred party. Our announcement to this effect, made on 25 April 2017, can be found here: http://www.scotlandinunion.co.uk/election_statement. We intended playing no part in the Election, and indicated this to the Electoral Commission.

b. In subsequent discussions with the Electoral Commission, we agreed that we should register, and that we should complete an expenditure return. This was because the Electoral Commission officers with whom we discussed it said that we needed to go back a full year, and to consider which of our activities could possibly have influenced the election, even if we did not know there was going to be an election at the time of the activities. I did this exercise and submitted it, erring very much on the side of over-reporting if in doubt. The reasons I felt comfortable erring on the side of over-reporting were:

(1) The published guidance for NPCs included *'We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.'*

(2) I had given an undertaking to Electoral Commission officers (specifically, [REDACTED] and Andy O'Neill, on 17 June 2017) that if in doubt we would include items in our return. I expected that the Electoral Commission would raise any issues or seek any clarification prior to publishing our return.

(3) In pure common-sense terms, allied with the guidance mentioned in point (1), I couldn't see how it would be practical for an organisation which had stopped campaigning as soon as the Election was announced to somehow 'rewind' expenditure which had taken place before the announcement.

c. I can say with some certainty that we over-reported, as I did not split invoices where some aspects were for our supporters only, or where there were split messages; and I also probably over-estimated staff cost allocation. To illustrate by example, I counted in full some electronic billboards we ran back in 2016, which contained a mixture of generic pro-UK messages (certainly unregulated) and no-indyref2 messages (potentially regulated); I also counted in full the value of merchandise (badges and pens) which mostly went to our supporters, rather than the public, and which carried no message other than our logo and website. To consider the impact of this over-reporting, last night I reviewed the spreadsheet which I used in order to calculate our submission and made a rough estimate that if I had taken a very narrow view of expenditure reporting requirements, the total would have been about £44,000. I would be very happy to share the breakdown of this £44,000, if that would be helpful. However, as explained above, I believe there we should not be overly concerned with this, because of the points made above about not being able to 'rewind'.

d. The only other point I would make in this regard is that I submitted our expenditure return on 16 July 2017, to be as prompt as possible, and subsequently have engaged in discussions with Electoral Commission officers with regard to staff costs. At no point prior to now did anyone from the Electoral Commission raise any concern about the total reported.

I hope this helps you, and any others in the Electoral Commission who may be looking into this matter, to understand the situation. I would like to conclude by reiterating that our dealings with the Electoral Commission to date have always been extremely open and helpful, and I've always seen the Commission as a regulator who helps groups like SIU to do the right thing, rather than waiting for them to do the wrong thing. I believe we have made every effort to comply with both the letter and the spirit of all relevant regulations, and I am sure that the Electoral Commission will recognise this.

Please don't hesitate to get back to me and Pamela if you have any further questions.

Many thanks

Alastair

Alastair Cameron

Director

Scotland in Union



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Scotland In Union is registered in Scotland, Number 492324.

On 9 January 2018 at 13:18,  wrote:

Dear Alastair,

I am writing to you as Responsible Person for Scotland in Union. I am copying in Pamela Nash as she raised some questions with us on Friday – which you can see

below this email. Please be aware that we aim to respond to straightforward queries to our advice service within five working days, and we have done so in this instance.

In response to Pamela's questions:

Reporting requirements

There are different requirements for registered non-party campaigners to report donations to the Commission.

Pamela's first bullet point seems to relate to what we call "pre-poll reporting" in respect of the 2017 general election. Registered non-party campaigners must report to us donations above £7,500 **received** in weekly periods in the immediate run up to a UK Parliamentary General Election. If a non-party campaigner has no relevant donations to report, then there is no requirement to submit nil pre-poll reports.

The relevant reporting periods and deadlines for these pre-poll reports for June 2017 were:

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Week 3	17 May to 23 May	30 May 2017
Week 4	24 May to 30 May	6 June 2017
Week 5	31 May to 6 June	13 June 2017
Week 6	7 June to 8 June	15 June 2017

There is also a requirement to complete a post-poll donations return, which requires registered non-party campaigners to provide more information than just these high value donations in the immediate run-up to the election. This post-poll donation return must accompany the non-party campaigner's spending return. It must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised. If a non-party campaigner has nothing to report, a nil return is still required.

In respect of June 2017, registered non-party campaigners had to report to the Commission all donations received towards regulated campaign activity during the regulated period, which ran from 9 June 2016 to 8 June 2017. In the case of Scotland in Union, this was due to be reported to us on 8 September 2017 with your spending return.

Auction prizes

Pamela also asked about auction prizes. When the NPC receives a prize for auction either without charge or at a non-commercial discount, this counts as a donation to you if:

- the value of the prize, if the item is given free of charge exceeds £500, or,
- the amount of the discount exceeds £500.

If the item is given free of charge, the amount of the donation will be the value of the item. If the item is given at a discount, the amount of the donation will be the value of the discount.

A further donation is made to you if the buyer pays more than the prize is worth, and if the difference between the item's worth and what the buyer pays is more than £500.

If the winner pays the full value of the item when acquiring an auction prize, no donation has been received at that point. If the successful bid for the auction prize is at or below the value of the prize, no donation has been made. If the successful bid for the auction prize is more than £500 above the value of the prize, then a further donation has been made.

You do not offset the costs of the event. We have a specific guidance document on auction prizes [here](#).

Donation return for the June 2017 general election

You will be aware of media reports alleging that donations received by Scotland in Union have not been reported in line with the rules.

We do not appear to have received a donations report from you as part of your spending return for the June 2017 election. Failing to deliver one may constitute a criminal offence. Consequently, **you must complete this return as a matter of urgency and by 16 January 2018 at the latest.**

You can complete it on our online system, [PFR Online](#), which I know you have used before, or on a PDF ([form](#) / [explanatory notes](#)). We will publish any relevant donations to ensure transparency.

The reporting requirements for this return go beyond what Pamela has set out as her understanding below, and you should pay careful attention to ensure you report any relevant donations in full. In addition to the clarification given above, you can read our guidance [here](#).

Depending on the information you provide, please be aware that we may take further action under our [Enforcement Policy](#).

Finally, in the course of checking the spending returns, we note that you have reported spending of £73,818 in Scotland in the regulated period for the 2017 UKPGE. The spending limit for NPCs in Scotland was £55,400, so on the face of it you appear to have exceeded this limit. We are reviewing this matter in line with our Enforcement Policy, and we may be in further contact with you if necessary. If you wish to comment on this also by 16 January we will take these into account.

With regards,

██████████

████████████████████

Senior Financial Reporting Adviser

The Electoral Commission

[3 Bunhill Row](#)
London EC1Y 8YZ

████████████████████

electoralcommission.org.uk

yourvotematters.co.uk

[Twitter](#) | [Facebook](#) | [Blog](#)

From: Pamela Nash [REDACTED]
Sent: 05 January 2018 12:32
To: [REDACTED]
Subject: In Confidence

Dear [REDACTED]

I understand that you have previously advised our Executive Director on our registration requirements. I would be grateful if you confirm the following points:

- The dates during which it is required that non-party campaigners report their donations over a certain value for the General Election 2017 (I understand this to be 3rd May 2017 to 8th June 2017).
- The exact threshold of donation to be reported to the Electoral Commission during the election period (I understand this is over £7500, donations of £7500 and under do not need to be reported).

I would be grateful if you could also clarify the rules around successful auctions bids at fundraising events for non-party campaigners. We have not received any in the reporting periods, but I am interested to know how they should be recorded (is the whole bid considered a donation by the Electoral Commission or should costs of the event where the auction is taking place and the cost of the prize be removed) ? If the auction item is donated, are both the value of the donation and the successful bid considered donations?

Thank you for your advice.

Best wishes

Pamela

Pamela Nash

Chief Executive

Scotland in Union

[REDACTED]

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Filenote: SIU-Electoral Commission meeting, 19 Jun 2017

I met with [REDACTED] of the Electoral Commission, and the Head of the Electoral Commission in Scotland (whose name I can't remember), as part of their service to support non-party campaigners. [REDACTED] had offered the optional meeting, to help clarify what SIU would and would not need to report.

Expenses reporting:

Confirmed the period which applies to GE17 goes back to 9 Jun 2016. [REDACTED] said there are many non-party groups which have suddenly found themselves needing to report as a result of the snap GE.

Confirmed we only need to report costs for activities which meet both the public and purpose tests. I explained that we do not view our long-running campaign to highlight the benefits of the UK as designed to influence election results, though if there was a future referendum then it would be relevant to that campaign.

I explained that we had always intended to stay out of the council elections, while continuing our own campaign on issues which should not apply to those elections. They said a person in the street would still see our activity as influencing the election, as the SNP's commitment to an independence referendum would still have meant our anti-indyref2 campaign influenced people away from the SNP.

They seemed very appreciative of our previous reporting, for GE15 and SP16, including the fact that we had reported part of staff salaries, and even costs of stalls at party conferences. [REDACTED] said specifically that actually party conferences do not count, as they are not 'public', so we over-reported there (though they seemed impressed by that!).

When I said that what we would need to do is to go through our spreadsheet of costs, they seemed relieved and impressed that we actually have good enough records to be able to do that. I think this helped to reinforce the point which I made repeatedly during the meeting, which is that we are a properly organised 'official' campaign – I also highlighted that we have proper website, produce accounts, etc.

They asked how our leaflets get distributed and whether we work with other groups; I explained that we do not co-ordinate jointly with any other groups, and that all our leaflets are delivered by our own volunteers.

Donations:

[REDACTED] said that donations would need to be declared if for a purpose. I said none of our donations in the previous year came with any strings attached or any stipulation of them being used for a particular reason, and contrasted that with some of our donations for GE15, which had been for specific purposes (adverts and aerial banner – [REDACTED] remembered the aerial banner and how actually they had removed that from our return, because it was below threshold – another example of our previous open over-reporting). I therefore explained I didn't think we would need to report any of our donations; they did not object to that approach.

They asked whether we had been applying permissibility test (UK registered to vote). I said we had not, partly because no donations for a specific purpose, and also because we had not been registered since SP16 and didn't believe we had to – I also added that we didn't knowingly have a significant number of foreign donors. I believe they accepted that explanation, based mainly on the purpose point and our non-registration, but had the impression that they did expect us to look at this. I therefore recommend that in future we do apply a policy of only accepting donations of £500 or over if we verify the donor being a UK registered voter; this might be overly cautious, but is probably to the good anyway. They seemed impressed when I stated [REDACTED]'s point that we wouldn't accept any donation from someone we wouldn't be happy to be photographed with.

Action: to explain to staff that from now on we should ask any donors who give us a one-off donation of £500 (not practical to apply to monthly donations) to confirm that they are on the UK electoral register, and we should satisfy ourselves that this is definitely the case for any large donations (say £5k plus), even though we technically don't have to because the donation is not given for a specific purpose.

Future situations

We speculated about a future GE and future indyref. If there is another snap GE soon, the reporting period will start from 9 Jun 17, so we should make sure we keep records which would enable us to report if we had to (as we already do!).

They asked if we would see ourselves as potential lead designated campaign of there was another indyref. I said potentially, if the parties didn't form another BT and at the moment there isn't any other organisation like us, but I did say that if a larger and more organised campaign appeared, we might fold into it.

Conclusion

I confirmed with them that the next step would be for me to go through our list of expenditure, determine whether each item passes public and purpose tests, and then report on those items.

[REDACTED]

From: Alastair Cameron [REDACTED]
Sent: 25 January 2018 22:03
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Thank you, [REDACTED]

As an aside, with regard to the nil return, I have today found a 2015 email to me, from Simon Grant of the Electoral Commission, which states that non-party campaigners do not need to submit a nil return if they have no reportable donations. Of course, this was from GE 2015, so perhaps the rules changed for GE 2017 and I missed that, but I hope that's another mitigating factor when considering the specific issue of the late nil return for 2017.

Anyway, I will look forward to hearing from you soon.

Kind regards
Alastair

Alastair Cameron
Director
Scotland in Union

[REDACTED]
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t: @scotlandinunion f: <https://www.facebook.com/scotlandinunion>

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On 25 January 2018 at 17:23, [REDACTED] > wrote:

Hi Alastair, will be in touch with a substantive response in the morning.

From: Alastair Cameron [REDACTED]
Sent: 24 January 2018 22:15
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

Is there any progress with this, please, or at least do you have an indication of when we might hear back from you this week?

I am sorry if I might appear impatient, but it is now two weeks since my email which responded to your points, so I am keen to get a response.

To reiterate the key points which I believe are relevant:

1. We have always sought, and followed, guidance from the Electoral Commission in our reporting, for both donations and expenditure. I have various emails and notes to this effect, which I can share if needed, but I assume you have this information available already.
2. We registered for GE 2017 after the election was called, and after discussions with Electoral Commission staff. We did suspend our campaigning when the GE was called, so any significant expenditure was before the election was called.
3. When completing our GE 2017 return, I took a view of 'if in doubt, include it'. I have offered to review the amounts with anyone from the Commission, to show what is effectively over-reporting.
4. With regard specifically to our GE 2017 donations return, I accept that I failed to submit a 'nil return', but would like to point out that we had no donations to declare; that I cannot recall any reminder being issued; and that I rectified this oversight as soon as I could after you pointed it out to me.

As a final note, while this may not be substantive information in how the Commission looks at the matter, I have reason to believe that at least one nationalist has been making vexatious requests about Scotland In Union to various organisations, potentially using stolen information as a basis for these requests. I recognise that this may not be directly relevant to your specific questions, but I hope you can understand that it increases my desire to conclude the matter in a reasonable timeframe.

If there is any further information you require, please don't delay in asking for it. In the meanwhile, I hope to hear from you soon.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union



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On 19 January 2018 at 15:14, [REDACTED] wrote:

Dear Alastair,

Unfortunately we have a number of staff out of the office and this has delayed my response, which I had anticipated would be with you before the end of the day, but will now have to be into next week.

Thanks for your patience.

[REDACTED]

From: Alastair Cameron [mailto:[REDACTED]]
Sent: 17 January 2018 14:37
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Thanks [REDACTED]

If you need more information, e.g. re our previous correspondence with the Commission and guidance we received, please don't hesitate to get back to me.

Regards

Alastair

Alastair Cameron

Director

Scotland in Union

[REDACTED]

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On 17 January 2018 at 10:29, [REDACTED] wrote:

Dear Alastair,

By way of update, I have just successfully submitted our nil return for General Election 2017 donations, as per point 1 below.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union

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On 11 January 2018 at 10:13, [REDACTED] wrote:

Dear Alastair,

Thanks for your email. I just wanted to confirm safe receipt in the first instance, and we will reply more substantively in due course.

Kind regards,

[REDACTED]
From: Alastair Cameron [mailto:[REDACTED]]
Sent: 10 January 2018 21:30
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

Thank you for your email, including for the answer to questions. In response to your two point raised towards the end of your mail:

1. 2017 General Election donations return

Based on guidance received from Electoral Commission officers, both in the run up to the 2017 General Election and when discussing previous elections, we do not have any donations which require to be reported for the 2017 General Election. I must apologise that I did

not submit a formal nil return; this was purely an oversight, and I will rectify it via PEFonline as soon as possible. The only point I would like to add is that I do not recall having received a reminder, which might have been helpful, but that is a minor point, and I will submit our nil return straight away.

2. 2017 General Election expenditure total

a. At the time the snap General Election was announced, Scotland In Union was not registered with the Electoral Commission, as we were not anticipating any need to be registered until the run-up to the 2021 Scottish Parliament Election. As soon as the General Election was announced, we suspended the main parts of our on-going campaigning (which includes general campaigning about the benefits of the UK, as well as specific campaigning against another independence referendum, and does not touch on any party policies except for those which concern the union). We did this because we wanted to avoid confusion, and so that our supporters could feel free to campaign for their preferred party. Our announcement to this effect, made on 25 April 2017, can be found here: http://www.scotlandinunion.co.uk/election_statement. We intended playing no part in the Election, and indicated this to the Electoral Commission.

b. In subsequent discussions with the Electoral Commission, we agreed that we should register, and that we should complete an expenditure return. This was because the Electoral Commission officers with whom we discussed it said that we needed to go back a full year, and to consider which of our activities could possibly have influenced the election, even if we did not know there was going to be an election at the time of the activities. I did this exercise and submitted it, erring very much on the side of over-reporting if in doubt. The reasons I felt comfortable erring on the side of over-reporting were:

(1) The published guidance for NPCs included *'We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.'*

(2) I had given an undertaking to Electoral Commission officers (specifically, [REDACTED] and Andy O'Neill, on 17 June 2017) that if in doubt we would include items in our return. I expected that the Electoral Commission would raise any issues or seek any clarification prior to publishing our return.

(3) In pure common-sense terms, allied with the guidance mentioned in point (1), I couldn't see how it would be practical for an organisation which had stopped campaigning as soon as the Election was announced to somehow 'rewind' expenditure which had taken place before the announcement.

c. I can say with some certainty that we over-reported, as I did not split invoices where some aspects were for our supporters only, or where there were split messages; and I also probably over-estimated staff cost allocation. To illustrate by example, I counted in full some electronic billboards we ran back in 2016, which contained a mixture of generic pro-UK messages (certainly unregulated) and no-indyref2 messages (potentially regulated); I also counted in full the value of merchandise (badges and pens) which mostly went to our supporters, rather than the public, and which carried no message other than our logo and website. To consider the impact of this over-reporting, last night I reviewed the spreadsheet which I used in order to calculate our submission and made a rough estimate that if I had taken a very narrow view of expenditure reporting requirements, the total would have been about £44,000. I would be very happy to share the breakdown of this £44,000, if that would be helpful. However, as explained above, I believe there we should not be overly concerned with this, because of the points made above about not being able to 'rewind'.

d. The only other point I would make in this regard is that I submitted our expenditure return on 16 July 2017, to be as prompt as possible, and subsequently have engaged in discussions with Electoral Commission officers with regard to staff costs. At no point prior to now did anyone from the Electoral Commission raise any concern about the total reported.

I hope this helps you, and any others in the Electoral Commission who may be looking into this matter, to understand the situation. I would like to conclude by reiterating that our dealings with the Electoral Commission to date have always been extremely open and helpful, and I've always seen the Commission as a regulator who helps groups like SIU to do the right thing, rather than waiting for them to do the wrong thing. I believe we have made every effort to comply with both the letter and the spirit of all relevant regulations, and I am sure that the Electoral Commission will recognise this.

Please don't hesitate to get back to me and Pamela if you have any further questions.

Many thanks

Alastair

Alastair Cameron

Director



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In response to Pamela’s questions:

Reporting requirements

There are different requirements for registered non-party campaigners to report donations to the Commission.

Pamela’s first bullet point seems to relate to what we call “pre-poll reporting” in respect of the 2017 general election. Registered non-party campaigners must report to us donations above £7,500 **received** in weekly periods in the immediate run up to a UK Parliamentary General Election. If a non-party campaigner has no relevant donations to report, then there is no requirement to submit nil pre-poll reports.

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the regulated period, and an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised. If a non-party campaigner has nothing to report, a nil return is still required.

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Auction prizes

Pamela also asked about auction prizes. When the NPC receives a prize for auction either without charge or at a non-commercial discount, this counts as a donation to you if:

- the value of the prize, if the item is given free of charge exceeds £500, or,
- the amount of the discount exceeds £500.

If the item is given free of charge, the amount of the donation will be the value of the item. If the item is given at a discount, the amount of the donation will be the value of the discount.

A further donation is made to you if the buyer pays more than the prize is worth, and if the difference between the item's worth and what the buyer pays is more than £500.

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You do not offset the costs of the event. We have a specific guidance document on auction prizes [here](#).

Donation return for the June 2017 general election

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We do not appear to have received a donations report from you as part of your spending return for the June 2017 election. Failing to deliver one may constitute a criminal offence. Consequently, **you must complete this return as a matter of urgency and by 16 January 2018 at the latest.**

You can complete it on our online system, [PFR Online](#), which I know you have used before, or on a PDF ([form](#) / [explanatory notes](#)). We will publish any relevant donations to ensure transparency.

The reporting requirements for this return go beyond what Pamela has set out as her understanding below, and you should pay careful attention to ensure you report any relevant donations in full. In addition to the clarification given above, you can read our guidance [here](#).

Depending on the information you provide, please be aware that we may take further action under our [Enforcement Policy](#).

Finally, in the course of checking the spending returns, we note that you have reported spending of £73,818 in Scotland in the regulated period for the 2017 UKPGE. The spending limit for NPCs in Scotland was £55,400, so on the face of it you appear to have exceeded this limit. We are reviewing this matter in line

with our Enforcement Policy, and we may be in further contact with you if necessary. If you wish to comment on this also by 16 January we will take these into account.

With regards,

[Redacted]

[Redacted]

Senior Financial Reporting Adviser

The Electoral Commission

[3 Bunhill Row](#)
London EC1Y 8YZ

[Redacted]

electoralcommission.org.uk

yourvotematters.co.uk

[Twitter](#) | [Facebook](#) | [Blog](#)

From: Pamela Nash [Redacted]
Sent: 05 January 2018 12:32
To: [Redacted]
Subject: In Confidence

Dear [Redacted]

I understand that you have previously advised our Executive Director on our registration requirements. I would be grateful if you confirm the following points:

- The dates during which it is required that non-party campaigners report their donations over a certain value for the General Election 2017 (I understand this to be 3rd May 2017 to 8th June 2017).
- The exact threshold of donation to be reported to the Electoral Commission during the election period (I understand this is over £7500, donations of £7500 and under do not need to be reported).

I would be grateful if you could also clarify the rules around successful auctions bids at fundraising events for non-party campaigners. We have not received any in the reporting periods, but I am interested to know how they should be recorded (is the whole bid considered a donation by the Electoral Commission or should costs of the event where the auction is taking place and the cost of the prize be removed) ? If the auction item is donated, are both the value of the donation and the successful bid considered donations?

Thank you for your advice.

Best wishes

Pamela

Pamela Nash

Chief Executive

Scotland in Union



www.scotlandinunion.co.uk

t: @scotlandinunion f: <https://www.facebook.com/scotlandinunion>

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[REDACTED]

From: [REDACTED]
Sent: 05 February 2018 18:18
To: 'Alastair Cameron'
Subject: RE: Releasing FOI tomorrow

Alastair

Apologies for the delay in replying but I left work early on Thursday due to being unwell.

I understand you were sent a link to our FOI response at the same time as it was issued in order that you could see what was being released.

Obviously you will be aware of today's Herald story about the FOI release so for transparency wanted to let you know that the only response the Electoral Commission has given is to refer them back to our press line of 5 January: "*We consider and assess possible breaches of the rules consistent with our published [Enforcement Policy](#) and we are reviewing the matter.*"

If we offer any further comment on the story (which is unlikely) I will let you know.

All the best

[REDACTED]

Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ

[REDACTED]

electoralcommission.org.uk
yourvotematters.co.uk

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We have moved – please note our new address

From: Alastair Cameron [REDACTED]
Sent: 01 February 2018 16:18
To: [REDACTED]
Cc: Pamela Nash [REDACTED]
Subject: Re: Releasing FOI tomorrow

Thank you, [REDACTED] - much appreciated.

Just one final question: I presume you aren't releasing the internal notes you mentioned, then? (You did say we could see them, if you were?)

Kind regards

Alastair

Alastair Cameron
Director
Scotland in Union

www.scotlandinunion.co.uk
t: @scotlandinunion f: <https://www.facebook.com/scotlandinunion>

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On 1 February 2018 at 13:45, [REDACTED] wrote:

Dear Alastair

I just wanted to drop you a quick e-mail to say that we are on track for issuing the FOI tomorrow. As I do not work on a Friday, my colleague [REDACTED], will e-mail you the weblink (cc'd to Pamela) for the response at the same time as she issues the response by e-mail.

All the best

[REDACTED]

[REDACTED]

Senior Officer - Scotland

The Electoral Commission

City Chambers

High Street

Edinburgh

EH1 1YJ

[REDACTED]



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We have moved – please note our new address

[REDACTED]

From: [REDACTED]
Sent: 29 January 2018 15:36
To: 'Alastair Cameron'
Cc: Pamela Nash [REDACTED]
Subject: RE: Freedom of Information request relating to Scotland in Union

Thanks Alastair

Sorry, I had missed [REDACTED] name in the file. There is an argument to redact his name if he was sufficiently junior that he would not expect to have his name in the public domain. Given that, and as the removal of his name would not compromise the clarity of the remaining information, I am happy to redact his name.

Page 23 of the 2017-18 file has a reference to the 19 June meeting so I was already minded to reference that meeting in the covering letter to say that a note had been made but not retained – otherwise we'll just receive a new FOI for the meeting notes.

I'll be back in touch towards the end of the week.

All the best

[REDACTED]

[REDACTED]
Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ

[REDACTED]

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We have moved – please note our new address

From: Alastair Cameron [REDACTED]
Sent: 29 January 2018 14:43
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: Freedom of Information request relating to Scotland in Union

Many thanks, [REDACTED] - this is very helpful, and thanks for responding promptly.

With regard to staff names, [REDACTED] is the only non-public facing member of staff mentioned. [REDACTED], our campaigns manager, is mentioned on the sixth page of the 2017-18 pdf (in my email, as an example), but his role is public-facing.

I wonder if you might note in your response that there was a meeting on 19th June to discuss the 2017 General Election, but that no record was retained by the Commission? Given that I suspect this request to be attempting to find some kind of negative story, I think the fact that we had dialogue with the Commission helps to show that we have always done our best to comply with all the advice we have been given, etc.

With regard to the internal correspondence which might be released: yes, please, we would very much like to see it before it is released, if it is going to be released.

Finally, thank you for the information about timing, and again yes, please - if you were able to get the information uploaded promptly, then people will be able to see it in full, and this will minimise the opportunity for anyone unprincipled to take a sentence out of context, if they were so minded.

Many thanks again for your helpful response, and I will look forward to hearing back from you in due course.

Kind regards
Alastair

Alastair Cameron
Director
Scotland in Union

www.scotlandinunion.co.uk
t: @scotlandinunion f: <https://www.facebook.com/scotlandinunion>

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On 29 January 2018 at 13:36, [REDACTED] wrote:

Dear Alastair

Many thanks for coming back to me so quickly and comprehensively. These are all good questions and I will answer them in turn:

1. We would be content to remove the names of all SIU staff who did not have a public facing role. From reviewing the potentially releasable material I have identified [REDACTED] as the other member of SIU staff whose name we would redact but please let me know if you believe there are other names I have missed. As noted below, phone numbers and e-mail addresses would be redacted as a matter of course.

2. A handwritten note was taken of the meeting on 19 June, however, that note has now been destroyed.

3. A small amount of internal Commission correspondence about SIU is also potentially captured by the requests (there are two fairly similar requests). We are currently reviewing that information to consider whether it should be released. Should we do so I will share it with you before we issue the response. We have also been asked to release information about all complaints we have received about SIU. There is only one which is already in the public domain:

<https://wingsoverscotland.com/a-request-for-clarification/#more-100696>

4. The deadline for our response is 2 February (so Friday this week). Realistically, I think the response will be sent on Thursday or Friday but I will notify you when we are going to send it. The response will be uploaded to our website after it is issued but there is usually a lag in doing this. If it would be helpful for you to point to the response on our website then I can ask the FOI team to try to publish the response on the website as quickly as possible after it is issued and supply you with a link to the file. Let me know if this would be helpful.

5. I do not know whether the requests are from journalists as the Commission anonymises requests in order that we treat them all equally. That said, a significant proportion of our requests come from journalists/bloggers so you might want to plan on this basis.

I hope that my answers are helpful but please let me know if you have any more questions.

I will be in touch again to confirm final details ahead of the release.

All the best





Senior Officer - Scotland

The Electoral Commission

City Chambers

High Street

Edinburgh

EH1 1YJ

[REDACTED]

[REDACTED]

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We have moved – please note our new address

From: Alastair Cameron [mailto:[REDACTED]]
Sent: 26 January 2018 14:59
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: Freedom of Information request relating to Scotland in Union

Thanks [REDACTED] and I hope you enjoyed the conference.

Thank you for getting in touch with us about this FOI request, and for providing the information which you intend to release.

In principle, of course we have no issue with the Electoral Commission releasing correspondence, as we have always been open in our dealing with the Commission, and have always followed the Commission's advice; we believe that is evident in the correspondence.

We do, however, have some requests and questions, which I hope you can consider:

1. Please could you remove the names of all SIU staff/ directors other than for me, Pamela Nash and Graeme Pearson? We believe our staff could be subject to harassment or intimidation by nationalists if their details are shared in this context. Pamela, Graeme and I are all frequently and publicly associated with SIU and therefore there is no reason why our names should not be published in this context.

2. Do you have minutes of a meeting between me and Andy O'Neil and [REDACTED] of the Electoral Commission, on 19 June 2017, and if so will you be including them? (And if including them, please could we see them in advance?) The reason I ask is that I suspect this request is a 'fishing expedition' to try to find anything controversial about SIU's donations, and at that meeting I explicitly confirmed that SIU would not need to declare donations for the 2017 General Election.

3. Your first email refers to our correspondence being part of a response. Could you please just confirm whether there is any other part of the request, or of your response, which relates to Scotland In Union? If so, please could you share that with me?

4. Please could you let me know the timeframe for when you will be responding to the request (i.e. when you will send the material to the applicant), and also whether the material will be available on a public site (e.g. your website, or a central website which publishes FOI responses) at the same time? We may wish to release some of the information ourselves at the same time; if we do so, we will of course redact all details of Electoral Commission staff, including names and emails.

5. Are you able to let us know whether the FOI request comes from a journalist, and if so whether as part of your response you are making any other statement which could be run by a journalist/ newspaper?

I realise there is quite a lot in the list above, but none of it negates our view that we have no issue in principle with releasing the correspondence. It is simply that we suspect the request is either fishing for controversy or even deliberately vexatious: we are therefore keen to understand as much as possible about context and timing; to make sure that the scope for twisting anything in the information is minimised; and to be prepared for that eventuality.

Kind regards

Alastair

Alastair Cameron

Director

Scotland in Union

[REDACTED]
www.scotlandinunion.co.uk

t: @scotlandinunion f: <https://www.facebook.com/scotlandinunion>

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On 25 January 2018 at 14:45, [REDACTED] wrote:

Thanks Alastair

I'm at a conference all day tomorrow so don't feel you need to rush to get back to me then – Monday would be fine.

All the best

[REDACTED]

[REDACTED]

Senior Officer - Scotland

The Electoral Commission

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[REDACTED]
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We have moved – please note our new address

From: Alastair Cameron [mailto:[REDACTED]]
Sent: 25 January 2018 14:44
To: [REDACTED]
Cc: Pamela Nash
Subject: RE: Freedom of Information request relating to Scotland in Union

Hi [REDACTED]

Many thanks for the prompt and helpful response. We'll have a proper look at this soon, and get back to you (definitely by close of tomorrow).

Kind regards

Alastair

On 25 Jan 2018 2:05 pm, [REDACTED] wrote:

Hi Alistair

Thank you for your e-mail.

I have attached pdfs that detail our correspondence with you. We would intend to redact all e-mail addresses and phone numbers as standard before releasing. Where it could be argued that individuals named in the correspondence might reasonably have expected not to have their names released then we could consider redacting their names (though anyone who's name is the

in the public domain as working for the Commission or SIU couldn't really use this line of argument – we would tend to consider it for temps and those other staff who do not have a front facing role).

Once you have considered the attachments then I would be grateful if you could let me know if you believe there are any grounds for exempting the release of any material.

All the best

[Redacted]

[Redacted]

Senior Officer - Scotland

The Electoral Commission

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[Redacted]

[Redacted]

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We have moved – please note our new address

From: Alastair Cameron [mailto:[Redacted]]

Sent: 25 January 2018 12:19

To: [Redacted]

Cc: Pamela Nash

Subject: Re: Freedom of Information request relating to Scotland in Union

Hello [REDACTED]

Before we can reply more fully to this, are you please able to share what you would be releasing?

Would it be possible to send that today, so that we can review it and respond tomorrow, in order to meet your response deadline?

I have copied in our Chief Exec - please could you copy Pamela on your reply?

Many thanks

Alastair

On 24 Jan 2018 1:14 pm, [REDACTED] wrote:

Mr Alastair Cameron

Scotland in Union

[272 Bath Street](#)

[Glasgow](#)

[G2 4JR](#)

FOI 003/18 – Advice and guidance given to Scotland in Union

24 January 2018

Dear Alastair

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. Part of the information requested relates to you. We have been asked to release all information and correspondence which relate to advice and guidance given by the Electoral Commission to Scotland in Union. This would include our correspondence with you from 2015 to present.

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 your interest in this information, 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 **Monday 29 January**. 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]

Senior Officer - Scotland

The Electoral Commission

City Chambers

High Street

Edinburgh

EH1 1YJ

[REDACTED]



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We have moved – please note our new address

[REDACTED]

From: [REDACTED]
Sent: 08 February 2018 11:20
To: [REDACTED]
Subject: RE: FW: Scotland in Union: Your queries re donations, and reporting action required

No happy with below.

And thanks [REDACTED]

From: [REDACTED]
Sent: 08 February 2018 11:16
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FW: Scotland in Union: Your queries re donations, and reporting action required

Thanks [REDACTED] very helpful. [REDACTED], anything else to add, otherwise I'll just send it.

From: [REDACTED]
Sent: 08 February 2018 09:23
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi all,
I have made a few amends. I think the [REDACTED] donation is different to the rest and you run the risk of getting an answer to specifically that donation rather than more general information. I think what we are interested in is what they say to donors, are they clear what the money will be used for or is it just general. In the example given it seems likely (its an in-kind donation) that it is very specific. I don't think we can ask for too much, on the face of it, aside from this one donation and the 2015 one there isn't much here.

From: [REDACTED]
Sent: 07 February 2018 16:13
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi – drafted the below questions to SIU – do these need fleshing out more, or adding to?
([REDACTED] you haven't seen this latest note from Alastair)

Dear Alastair,

Thanks for your reply and for the note.

It would be useful to understand more about your procedures when soliciting/accepting donations. What discussions do you have with prospective donors about what their money will be used for?

~~As an example,~~ [On a separate point](#), we note that [REDACTED] gave [REDACTED] [REDACTED] towards the cost of focus groups in March 2016. Could you give us more information about the focus groups – who ran them, the subject matter, and what the work was used for, and how [REDACTED] came to contribute to the costs?

We note ~~also~~ that many of your donations relate to auctions, whether this is the donation of prizes or of winning bids above the market value. ~~Were these all related to the one event, in September 2016?~~ [Can you please provide us with information as to how these donations came to be made and whether they relate to one event \(we are aware of an auction in September 2016\) or several events.?](#)

Kind regards,

[REDACTED]

From: Alastair Cameron [REDACTED]
Sent: 07 February 2018 11:48
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

I hope this finds you well. Apologies for perhaps appearing impatient, but I thought I would get in touch to let you know that I am on holiday from the end of this week, and therefore if you do have any further questions, might you be able to let me know as soon as practical (and/ or to wait for any answers until the week after next)?

Of course, we are very keen to do anything which helps the Commission to reach a conclusion, as you no doubt have seen the press saying 'Scotland in Union is under investigation', which is harmful to the organisation's reputation and is causing stress and distraction for our staff.

One thing which did occur to me, based on the recent Freedom Of Information requests and responses, was that you do not have a note of the meeting of 19th June between me, [REDACTED] and Andy, so I thought it might be helpful to provide my note of that meeting, which I wrote on 23rd June.

The note, attached, was intended for our internal use only, so some of the language may be less formal than that which I would have used for external consumption (and my apologies to Andy for not recalling his name at the time when I wrote the note!). That said, I thought it might still be helpful to provide it.

Specifically with reference to donations and the 2017 Election, for example, it includes my note that I checked about donation reporting for SIU, as a non-party campaign group with mostly non-regulated spending - this feels relevant to me, and adds to the previous email exchanges on that subject, from 2015 and 2016.

I hope this is helpful, and I look forward to hearing from you in due course.

Kind regards
Alastair

Alastair Cameron
Director
Scotland in Union

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 06 February 2018 10:25
To: Louise Edwards; [REDACTED]
Cc: Andy O'Neill
Subject: RE: Press Data Summary: Electoral Commission - 6 February 2018

Hi Louise,

We have received the spreadsheet on Friday afternoon detailing the donations they received since their first registration. I didn't copy you in as I thought you would probably want to stay separate from the details in case the case progresses.

The total amount received is significant, but because I was off yesterday I haven't properly explored it, but I will today, and speak to [REDACTED]

Thanks
[REDACTED]

From: Louise Edwards
Sent: 06 February 2018 07:42
To: [REDACTED]
Cc: Andy O'Neill
Subject: FW: Press Data Summary: Electoral Commission - 6 February 2018

Hi [REDACTED]

Could one of you please let me know where we are on the Scotland in Union donations reports issue? See the press coverage below.

Thanks

Louise

From: [REDACTED]
Sent: 06 February 2018 06:30
Subject: Press Data Summary: Electoral Commission - 6 February 2018



Media Coverage for 6 February 2018

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UK-wide

[Elections chief presses case for voters to provide ID at polling stations \(Web\)](#)

Daily Mail - 05/02/2018

Proof of identity should be required from voters before they can vote at a polling station, just as people provide ID to collect a parcel, Electoral Commission Chair Sir John Holmes has said. His comments came ahead of trials of such a new rule at five councils at forthcoming local elections in England on May 3: Bromley, Gosport, Swindon, Watford and Woking. The Electoral Commission is to evaluate the trials and publish its findings this summer. (Note: this article is syndicated and appears across multiple websites)

[These are the people who still cannot vote in the UK \(Web\)](#)

Daily Mail - 06/02/2018

The right to vote is afforded to the majority of the population of the UK, but there are still demographics to whom it remains off limits, for example rules from the Electoral Commission state that to vote in the UK, you must be aged 18 or over on polling day. (Note: this article is syndicated and appears across multiple websites)

England

[ID plan to help stop fraud at the ballot box](#)

Yorkshire Post - 06/02/2018

p4 News.

PROOF OF identity should be required from voters before they can vote at a polling station, just as people provide ID to collect a parcel, Electoral Commission Chair Sir John Holmes has said.

[These are the people who still cannot vote in the UK \(Web\)](#)

Bailliwick Express - 06/02/2018

The right to vote is afforded to the majority of the population of the UK, but there are still demographics to whom it remains off limits, for example rules from the Electoral Commission state that to vote in the UK, you must be aged 18 or over on polling day. (Note: this article is syndicated and appears across multiple websites)

[BBC Radio Manchester 6 February 2018 06:00:34](#)

BBC Radio Manchester - 06/02/2018 06:00:34

A piece commemorating the 100th anniversary of women being given the vote in the UK is aired from Manchester's Pankhurst Centre. Part of the report includes comments surrounding concern that Asian women aren't using their right to vote, and the Electoral Commission's response to the issue is detailed.

Scotland

[Unionist campaign group accused of bid to bully election watchdog](#)

The Herald - 06/02/2018

p6 News. Tom Gordon.

MEMBERS of the country's leading anti-independence campaign have been accused of trying to "bully" the UK elections watchdog after it revealed the organisation was under investigation. SIU chief Pamela Nash also threatened to complain about the Commission's actions and claimed, wrongly, it had been "proactively" briefing the media about her organisation. The outburst is detailed in a memo on January 5 by Bob Posner, the Electoral Commission's director of political finance.

[Scotland in Union campaign accused of trying to intimidate election watchdog \(Web\)](#)

Herald Scotland - 05/02/2018

THE country's leading anti-independence campaign has been accused of trying to bully the UK elections watchdog after it revealed the organisation was under investigation. Scotland in Union wrongly claimed the Electoral Commission has issued a "misleading" statement and demanded an apology after the Herald raised questions over its donations.

[Former Scotland In Union official's home raided by police with a battering ram \(Web\)](#)

The National - 05/02/2018

POLICE Scotland brought a battering ram to the house of a former Scotland in Union official during a raid over investigation over data stolen from the pro-union, anti- SNP campaign group. Scotland in Union were left reeling earlier this year after an anonymous email account sent the "Scotland in Union data dump" to pro-independence media including The National, Wings Over Scotland and Bella Caledonia. The group are being probed by the Electoral Commission over a possible failure to declare donations.

[Scotland in Union accused of trying to bully Electoral Commission over big money donors \(Web\)](#)

The National - 05/02/2018

SCOTLAND in Union are desperately trying to keep the names of their big-money donors secret and have

been accused of attempting to bully? the Electoral Commission over a probe into the finances of the anti-independence group. The organisation fear they may have to details some of the wealthy unionists who spent thousands at an auction last year. Correspondence between Scotland in Union and the Electoral Commission revealed under Freedom of Information to The Herald, reveals an organisation in chaos over spending rules.

Trade Press

[Suffragettes should be pardoned, say campaigners \(Web\)](#)

Gazette-news.co.uk - 06/02/2018

An article marking the anniversary of the suffragette movement, with mention of a tweet from the Electoral Commission's twitter account encouraging people to vote.

[Make sure you're registered to vote in time for the local elections this May \(Web\)](#)

Richmond Council - 05/02/2018

An article reminding residents in Richmond upon Thames to register to vote in upcoming local government elections, with comment from Adrian Green, Electoral Commission Regional Manager for London.

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[REDACTED]

From: [REDACTED]
Sent: 23 January 2018 09:57
To: [REDACTED]
Subject: RE:

[REDACTED]

So, most of these fall in either pre- or post-referendum period. There are a couple of donations that may have had to be reported in the post-poll return as falling within £500 to £7500. Did they report these?

With regard to most of the other donations, do we know the status of Scotland in Union? Is it a Members' Association? Unincorporated?

Thanks

From: [REDACTED]
Sent: 22 January 2018 18:19
To: [REDACTED]
Subject: FW:

fyi

From: [REDACTED]
Sent: 22 January 2018 17:42
To: James Douglas
Subject: FW:

Hi [REDACTED]

Just had these e-mail from a journalist. I've replied to give him our standard line (which is: We consider and assess possible breaches of the rules consistent with our published [Enforcement Policy](#) and we are reviewing the matter).

His e-mail has some detail of who has donated and when and I thought you might find it helpful to crosscheck against when you hear back from Scotland in Union re donations.

Cheers

[REDACTED]

Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ

[REDACTED]

electoralcommission.org.uk
yourvotematters.co.uk

[REDACTED]

From: [REDACTED]
Sent: 07 February 2018 12:43
To: [REDACTED]
Subject: RE: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi Both

This is the wording of Schedule 11, Part 1, para 4 and in PPERA terms it is relatively clear.:

Relevant donation”, in relation to a recognised third party, means a donation to the recognised third party for the purpose of meeting controlled expenditure incurred by or on behalf of that third party.

We could ask legal to check that this is still the interpretation, but perhaps a first step is to ask about their procedures for example this donation in line 144

[REDACTED]	[REDACTED]	£5,000	01-Mar-16	One off	M
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This is in the regulated period and is a donation in kind to a focus group, ie could easily fall within the matters covered by controlled spending. This is perhaps the most obvious donation I could find. I think its worth separating them into the separate regulated periods and then seeing what was donated when, have a close look at those that are close to the election. Also given that these are often relate to auctions, can we please see the material that goes along with the auction, ie are they saying in any advertising around the auction what this would be used for. I think we can only ask them to volunteer this information, it would be useful to know if they any procedures around ascertaining the purpose of a donation or whether it is just a 'don't ask' and therefore it can't be covered policy.

[REDACTED] are u ok to chase Andy and [REDACTED] or omission of any note for the FOI.

From: [REDACTED]
Sent: 07 February 2018 12:16
To: [REDACTED]
Subject: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

From: Alastair Cameron [REDACTED]
Sent: 07 February 2018 11:48
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

I hope this finds you well. Apologies for perhaps appearing impatient, but I thought I would get in touch to let you know that I am on holiday from the end of this week, and therefore if you do have any further questions, might you be able to let me know as soon as practical (and/ or to wait for any answers until the week after next)?

From: Louise Edwards
Sent: 25 January 2018 11:55
To: [REDACTED]
Subject: RE:

I'd write to them now on the spending bit. Get that sorted.
Louise

From: [REDACTED]
Sent: 25 January 2018 11:42
To: Louise Edwards; [REDACTED]
Subject: RE:

Hi Louise
[Donations](#)

I would prefer if we get the donation info first – are you happy to seek that info [REDACTED]?

[Spending](#)

I discussed this aspect of the case with [REDACTED] yesterday, and on balance I am happy to agree that they (in line with our guidance) “...*have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold...*” and therefore enforcement action is neither appropriate or proportionate. It is particularly telling that post-registration (ie after 25/5) SIU only incurred £2,046.10, of which £1,556.56 related to staff salaries and therefore most likely relate to pre-registration expenditure.

Louise – how should we capture this decision? And should we write to them now, or should we wait until the donations issue have been investigated?

Thanks
[REDACTED]

From: Louise Edwards
Sent: 25 January 2018 08:56
To: [REDACTED] [REDACTED]
Subject: RE:

Thanks [REDACTED]

I agree with the proposal to get details of donations from SIU for the 2015-16 period they were registered, as a start. My question – for [REDACTED] – is whether this should be done under assessment, or pre-assessment? I have no strong views, but one way or the other we should get the info from SIU.

[REDACTED] I know that Joseph conducted an assessment into the failure to deliver a donation report for the 2017 UKPGE. He concluded it was not in the public interest to investigate. I am not sure, off the top of my head, if he was aware of the failure to deliver a donation report also for the 2016 Scottish Parliament election. If not, that may alter the balance. Please could you advise [REDACTED] on whether you want to take this as an assessment now, or obtain the donation info first? I'm happy to drop out of the detail now, but please can you keep me updated?

Thanks
Louise

From: [REDACTED]
Sent: 24 January 2018 15:48
To: Louise Edwards
Subject: FW:

Hi Louise,

Please see below for details we received from a journalist.

Their date of registration for this UKPGE was 25 May, so nothing obviously relevant post-registration.

However, some of these may have been relevant at previous elections, although of course it's hard to say without more details, nor can we speak to the accuracy of this list. Their previous registration was live in the period 26/01/2015 to 06/05/2016, which covered the 2015 UKPGE and 2016 Scottish Parliament elections. So perhaps the first step is to get them to send us an accurate list of donations above £500 received in that period, and go from there?

There is no Scottish Parliament 2016 donations return showing in PEF Online, and the 2015 UKPGE return is a nil.

[REDACTED] has recommended we may want to get some legal input into relevant donations dates, which I can draft a request for if needed.

Thanks

From: [REDACTED]
Sent: 22 January 2018 17:42
To: [REDACTED]
Subject: FW:

Hi [REDACTED]
Just had these e-mail from a journalist. I've replied to give him our standard line (which is: We consider and assess possible breaches of the rules consistent with our published [Enforcement Policy](#) and we are reviewing the matter).

His e-mail has some detail of who has donated and when and I thought you might find it helpful to crosscheck against when you hear back from Scotland in Union re donations.

Cheers

[REDACTED]
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We have moved – please note our new address

From: [REDACTED]
Sent: 22 January 2018 12:25
To: [REDACTED]
Subject:

Hello [REDACTED],

Looking for a line on Scotland in Union and their donations.

So, we've been sent a copy of donations made to SiU in the last few years. Our understanding of the Electoral Commission rules is that these should have been declared.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 07 February 2018 12:43
To: [REDACTED]; Andy O'Neill
Cc: [REDACTED]
Subject: RE: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi [REDACTED]

Thank you for letting us know. No, unfortunately we don't have a note of the meeting – I think Alastair already enquired about that with [REDACTED].

I've had a look at the note, and although it does highlight the themes I remember we spoke about, I don't think it is completely accurate. This could be because he typed up the note a few days after the meeting(?). For example:

[REDACTED] said that donations would need to be declared if for a purpose. I said none of our donations in the previous year came with any strings attached or any stipulation of them being used for a particular reason, and contrasted that with some of our donations for GE15, which had been for specific purposes (adverts and aerial banner – [REDACTED] remembered the aerial banner and how actually they had removed that from our return, because it was below threshold – another example of our previous open over-reporting). I therefore explained I didn't think we would need to report any of our donations; they did not object to that approach.

However, regardless of that we have given them specific advise on reporting donations in the past.

[REDACTED]

From: [REDACTED]
Sent: 07 February 2018 12:16
To: Andy O'Neill; [REDACTED]
Subject: FW: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi both,

Alastair has sent the attached note – do we have our own note of the meeting, I'm not sure it was in the FOI?

Thanks
[REDACTED]

From: Alastair Cameron [REDACTED]
Sent: 07 February 2018 11:48
To: [REDACTED]
Cc: Pamela Nash
Subject: Re: FW: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 25 January 2018 13:02
To: [REDACTED]; Andy O'Neill
Cc: Louise Edwards
Subject: RE: Scotland in Union: Your queries re donations, and reporting action required

Looks good, just a minor point from me – I have e-mailed SIU (Alastair Cameron) about the FOIs we have received and have given them until Monday to respond. Have had an e-mail back from them (AC) asking for details of the info we might disclose which I am going to respond to this pm. Our deadline for the FOI response is 2 February so wonder if it is worth being really clear that the issues/deadlines in your e-mail are entirely separate to the correspondence they are having with me. Otherwise I think there is a chance that they will become confused by deadlines / requirements from EC.

[REDACTED]

[REDACTED]
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[REDACTED]

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We have moved – please note our new address

From: [REDACTED]
Sent: 25 January 2018 12:46
To: [REDACTED]; Andy O'Neill
Cc: Louise Edwards; [REDACTED]
Subject: RE: Scotland in Union: Your queries re donations, and reporting action required

But we haven't ruled out taking possible action in relation to donations, so perhaps a line about the EP should be included under that heading?

From: [REDACTED]
Sent: 25 January 2018 12:35
To: [REDACTED] Andy O'Neill
Cc: Louise Edwards; [REDACTED]
Subject: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi [REDACTED] and Andy – I have redrafted the email to go to Alastair to reflect the decision to take no action on the overspend, and to request the donation info – can you let me know if you have any comments or amendments?

Thanks
[REDACTED]

Dear Alastair,

Thanks for your reply.

Spending

Thank you for your detailed comments regarding your reporting of spending at the 2017 UK Parliamentary General Election (UKPGE).

We have concluded that – given your prompt steps to register with us, and desisting from further campaigning after the election was called – it would not be appropriate or proportionate to take any enforcement action in this regard.

Donations

Thanks too for submitting the nil donations return, which I can see has appeared in our system. To confirm, there was a reminder sent out to the responsible person of all non-party campaigners on 3 August 2017 to confirm the requirements of the post-election return.

We note that you have not reported to us any relevant reportable donations at this election, or at the other elections for which you were registered with us as an NPC (2015 UKPGE, 2016 Scottish Parliament). It does not appear that you submitted a donations return following the Scottish Parliament elections in 2016.

We need further information from you to satisfy ourselves that no relevant donations have been missed from the various reports submitted, and for your own assurance that you are complying with the rules appropriately.

To that end, we ask that you send us details of all donations received by Scotland in Union of above £500 in the period from 26 January 2015 to 8 June 2017, so that we can further assess this and ensure nothing reportable was missed. Please send these to us by no later than close of business on 2 February 2018.

Kind regards,

From: [REDACTED]
Sent: 18 January 2018 16:15
To: Louise Edwards; Andy O'Neill; [REDACTED]
Cc: [REDACTED]
Subject: FW: Scotland in Union: Your queries re donations, and reporting action required

Hi all,

After discussing with Louise, it seems best to handle the issues around donations vs any potential overspend as separate. I've drafted something to go back to Alastair below, and made a few background points for reference first. Any comments or amendments welcome. Thanks.

Donations

I considered briefly whether their previous registration should never have been considered lapsed because of overlapping regulated periods, but having double checked dates, this is **not** the case. Their previous registration lapsed the day after the Scottish Parliament elections on 6 May 2016, so there was no automatic “carry over” of their registration throughout the entire period, which would have been the case if it had lapsed any time from or after 9 June 2016. Therefore, their registration for the 2017 UKPGE should be considered simply as the date on PEF Online (25 May 2017), and not looking all the way back through the regulated period.

They submitted a nil return at 2015, and as far as I can immediately see on PEF Online, didn't submit a donations return at all after the Scottish Parliament elections in 2016. Therefore, we have never had a report of a donation from SIU.

In response to Louise's question, Denise and I are looking at the relevant date for donations, but it's been difficult to find time between us in the last couple of days. If we are going to ask for the donations info going back a long way anyway to cover previous elections, we could get this out and focus in on what dates we need to particularly consider afterwards?

Spending

I reviewed the return against Alastair's comments.

Since “Downing Street Day” on 18 April their spending was £10,751, and post registration £2,046.10 – this was two items, one of £1,556.56 of staff salaries on 29 May, which is presumably pay day and could relate therefore to pre-registration expenditure, and £489.54 for NationBuilder.

Subject to any further assessment and on the assumption that the return is accurate, this does seem to largely chime with Alastair's points below at (a), that the overspend was largely from imposing the regulated period retrospectively on their activity and that they took steps not to incur further regulated spending after their registration as per our guidance, and also that this may well have led to over-reporting, given the difficulty of meeting the purpose test for NPC campaigning when it wasn't clear that there was to be an election.

██████████ – you will want to make a review of this before determining if we proceed to a full assessment on the overspend – very happy to sit and talk through the numbers in more detail if that's helpful. In the event you have a view simultaneous to the donations draft being agreed by Louise and Andy, I can draft something more substantial to put there, otherwise suggest we just move on with the donations element ASAP and deal with the spending issue separately.

Dear Alastair,

Thanks for your reply.

Donations

Thanks for submitting the nil donations return, which I can see has appeared in our system. Just to confirm as well, there was a reminder sent out to the responsible person of all NPCs on 3 August 2017 to confirm the requirements of the post-election return.

We note that you have not reported to us any relevant reportable donations at this election, or at the other elections for which you registered with us as an NPC (2015 UKPGE, 2016 Scottish Parliament).

We need further information from you to satisfy ourselves that no relevant donations have been missed from the various reports submitted, and for your own assurance that you are complying with the rules appropriately.

To that end, we ask that you send us details of all donations received by Scotland in Union of above £500 in the period from 26 January 2015 [this was their date of first registration? Or back to start of the 2015 reg period which was 8 May 2014?] to 8 June 2017, so that we can further assess this and ensure nothing reportable was missed. Please send these to us by no later than close of business a week today xxxxxxx [Is that reasonable - Maybe a bit longer?].

Spending

Thank you also for your detailed comments regarding your reporting of your spending for the 2017 UKPGE, the contents of which have been noted. We will consider these as part of our review as to what, if any, action to take as regards any overspending by Scotland in Union. We anticipate being able to respond to you with our decision shortly.

[can update this if we have anything further to add by this point]

Kind regards.

From: Louise Edwards
Sent: 11 January 2018 15:19
To: [REDACTED]
Cc: Andy O'Neill
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Hi

On the nil return point we need I think to ask SIU explicitly about the media claims and to seek details of all donations received by them, whether they consider them reportable or not. It is in their interest to give us this information so that we can be satisfied no reportable donations have been missed and so that they can be sure they have complied with them law.

What I can't quite remember is when their reporting obligations kicked in, eve retrospectively, for the purpose of the donation report. Does it extend back to the start of the regulated period? [REDACTED] can you advise please?

Thanks

Louise

Sent from my iPhone

On 11 Jan 2018, at 10:33, [REDACTED] > wrote:

Hi Louise and Andy,

We have received the below from Alastair at Scotland in Union. I have only sent a holding response at the moment, and said we'll respond substantively in due course.

He has also just confirmed that the nil donations return has gone through on PEF Online.

Thanks

From: Alastair Cameron [REDACTED]
Sent: 10 January 2018 21:30
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Scotland in Union: Your queries re donations, and reporting action required

Dear [REDACTED]

Thank you for your email, including for the answer to questions. In response to your two point raised towards the end of your mail:

1. 2017 General Election donations return

Based on guidance received from Electoral Commission officers, both in the run up to the 2017 General Election and when discussing previous elections, we do not have any donations which require to be reported for the 2017 General Election. I must apologise that I did not submit a formal nil return; this was purely an oversight, and I will rectify it via PEFonline as soon as possible. The only point I would like to add is that I do not recall having received a reminder, which might have been helpful, but that is a minor point, and I will submit our nil return straight away.

2. 2017 General Election expenditure total

a. At the time the snap General Election was announced, Scotland In Union was not registered with the Electoral Commission, as we were not anticipating any need to be registered until the run-up to the 2021 Scottish Parliament Election. As soon as the General Election was announced, we suspended the main parts of our on-going campaigning (which includes general campaigning about the benefits of the UK, as well as specific campaigning against another independence referendum, and does not touch on any party policies except for those which concern the union). We did this because we wanted to avoid confusion, and so that our supporters could feel free to campaign for their preferred party. Our announcement to this effect, made on 25 April 2017, can be found here: http://www.scotlandinunion.co.uk/election_statement. We intended playing no part in the Election, and indicated this to the Electoral Commission.

b. In subsequent discussions with the Electoral Commission, we agreed that we should register, and that we should complete an expenditure return. This was because the Electoral Commission officers with whom we discussed it said that we needed to go back a full year, and to consider which of our activities could possibly have influenced the election, even if we did not know there was going to be an election at the time of the activities. I did this exercise and submitted it, erring very much on the side of over-reporting if in doubt. The reasons I felt comfortable erring on the side of over-reporting were:

(1) The published guidance for NPCs included *'We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.'*

(2) I had given an undertaking to Electoral Commission officers (specifically, [REDACTED] and Andy O'Neill, on 17 June 2017) that if in doubt we would include items in our return. I expected that the Electoral Commission would raise any issues or seek any clarification prior to publishing our return.

(3) In pure common-sense terms, allied with the guidance mentioned in point (1), I couldn't see how it would be practical for an organisation which had stopped campaigning as soon as the Election was announced to somehow 'rewind' expenditure which had taken place before the announcement.

c. I can say with some certainty that we over-reported, as I did not split invoices where some aspects were for our supporters only, or where there were split messages; and I also probably over-estimated staff cost allocation. To illustrate by example, I counted in full some electronic billboards we ran back in 2016, which contained a mixture of generic pro-UK messages (certainly unregulated) and no-indyref2 messages (potentially regulated); I also counted in full the value of merchandise (badges and pens) which mostly went to our supporters, rather than the public, and which carried no message other than our logo and website. To consider the impact of this over-reporting, last night I

reviewed the spreadsheet which I used in order to calculate our submission and made a rough estimate that if I had taken a very narrow view of expenditure reporting requirements, the total would have been about £44,000. I would be very happy to share the breakdown of this £44,000, if that would be helpful. However, as explained above, I believe there we should not be overly concerned with this, because of the points made above about not being able to 'rewind'.

d. The only other point I would make in this regard is that I submitted our expenditure return on 16 July 2017, to be as prompt as possible, and subsequently have engaged in discussions with Electoral Commission officers with regard to staff costs. At no point prior to now did anyone from the Electoral Commission raise any concern about the total reported.

I hope this helps you, and any others in the Electoral Commission who may be looking into this matter, to understand the situation. I would like to conclude by reiterating that our dealings with the Electoral Commission to date have always been extremely open and helpful, and I've always seen the Commission as a regulator who helps groups like SIU to do the right thing, rather than waiting for them to do the wrong thing. I believe we have made every effort to comply with both the letter and the spirit of all relevant regulations, and I am sure that the Electoral Commission will recognise this.

Please don't hesitate to get back to me and Pamela if you have any further questions.

Many thanks
Alastair

Alastair Cameron
Director
Scotland in Union



www.scotlandinunion.co.uk

t: @scotlandinunion f: <https://www.facebook.com/scotlandinunion>

Scotland in Union look forward to welcoming you to our Burns Night in Glasgow on 2nd February 2017, get your tickets [here!](#)

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On 9 January 2018 at 13:18,  wrote:

Dear Alastair,

I am writing to you as Responsible Person for Scotland in Union. I am copying in Pamela Nash as she raised some questions with us on Friday – which you can see below this email. Please be aware that we aim to respond to straightforward queries to our advice service within five working days, and we have done so in this instance.

In response to Pamela's questions:

Reporting requirements

There are different requirements for registered non-party campaigners to report donations to the Commission.

Pamela's first bullet point seems to relate to what we call "pre-poll reporting" in respect of the 2017 general election. Registered non-party campaigners must report to us donations above £7,500 **received** in weekly periods in the immediate run up to a UK Parliamentary General Election. If a non-party campaigner has no relevant donations to report, then there is no requirement to submit nil pre-poll reports.

The relevant reporting periods and deadlines for these pre-poll reports for June 2017 were:

Weekly reporting period	Reporting period dates	Deadline for submission
Week 1	3 May to 9 May	16 May 2017
Week 2	10 May to 16 May	23 May 2017
Week 3	17 May to 23 May	30 May 2017
Week 4	24 May to 30 May	6 June 2017
Week 5	31 May to 6 June	13 June 2017
Week 6	7 June to 8 June	15 June 2017

There is also a requirement to complete a post-poll donations return, which requires registered non-party campaigners to provide more information than just these high value donations in the immediate run-up to the election. This post-poll donation return must accompany the non-party campaigner's spending return. It must include a fully itemised list of all donations above £7,500 received towards regulated activity during the regulated period, and an aggregate figure of all donations received of values between £500 and £7,500, the details of which do not need to be further itemised. If a non-party campaigner has nothing to report, a nil return is still required.

In respect of June 2017, registered non-party campaigners had to report to the Commission all donations received towards regulated campaign activity during the regulated period, which ran from 9 June 2016 to 8 June 2017. In the case of Scotland in Union, this was due to be reported to us on 8 September 2017 with your spending return.

Auction prizes

Pamela also asked about auction prizes. When the NPC receives a prize for auction either without charge or at a non-commercial discount, this counts as a donation to you if:

- the value of the prize, if the item is given free of charge exceeds £500, or,
- the amount of the discount exceeds £500.

If the item is given free of charge, the amount of the donation will be the value of the item. If the item is given at a discount, the amount of the donation will be the value of the discount.

A further donation is made to you if the buyer pays more than the prize is worth, and if the difference between the item's worth and what the buyer pays is more than £500.

If the winner pays the full value of the item when acquiring an auction prize, no donation has been received at that point. If the successful bid for the auction prize is at or below the value of the prize, no donation has been made. If the successful bid for the auction prize is more than £500 above the value of the prize, then a further donation has been made.

You do not offset the costs of the event. We have a specific guidance document on auction prizes [here](#).

Donation return for the June 2017 general election

You will be aware of media reports alleging that donations received by Scotland in Union have not been reported in line with the rules.

We do not appear to have received a donations report from you as part of your spending return for the June 2017 election. Failing to deliver one may constitute a criminal offence. Consequently, **you must complete this return as a matter of urgency and by 16 January 2018 at the latest.**

You can complete it on our online system, [PFR Online](#), which I know you have used before, or on a PDF ([form](#) / [explanatory notes](#)). We will publish any relevant donations to ensure transparency.

The reporting requirements for this return go beyond what Pamela has set out as her understanding below, and you should pay careful attention to ensure you report any relevant donations in full. In addition to the clarification given above, you can read our guidance [here](#).

Depending on the information you provide, please be aware that we may take further action under our [Enforcement Policy](#).

Finally, in the course of checking the spending returns, we note that you have reported spending of £73,818 in Scotland in the regulated period for the 2017 UKPGE. The spending limit for NPCs in Scotland was £55,400, so on the face of it you appear to have exceeded this limit. We are reviewing this matter in line with our Enforcement Policy, and we may be in further contact with you if necessary. If you wish to comment on this also by 16 January we will take these into account.

With regards,

[REDACTED]

[REDACTED]

Senior Financial Reporting Adviser

The Electoral Commission

[3 Bunhill Row](#)
London EC1Y 8YZ

[REDACTED]

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From: Pamela Nash [REDACTED]
Sent: 05 January 2018 12:32
To: [REDACTED]
Subject: In Confidence

Dear [REDACTED]

I understand that you have previously advised our Executive Director on our registration requirements. I would be grateful if you confirm the following points:

- The dates during which it is required that non-party campaigners report their donations over a certain value for the General Election 2017 (I understand this to be 3rd May 2017 to 8th June 2017).
- The exact threshold of donation to be reported to the Electoral Commission during the election period (I understand this is over £7500, donations of £7500 and under do not need to be reported).

I would be grateful if you could also clarify the rules around successful auctions bids at fundraising events for non-party campaigners. We have not received any in the reporting periods, but I am interested to know how they should be recorded (is the whole bid considered a donation by the Electoral Commission or should costs of the event where the auction is taking place and the cost of the prize be removed) ? If the auction item is donated, are both the value of the donation and the successful bid considered donations?

Thank you for your advice.

Best wishes

Pamela

Pamela Nash

Chief Executive

Scotland in Union

[REDACTED]

www.scotlandinunion.co.uk

t: @scotlandinunion f: <https://www.facebook.com/scotlandinunion>

Scotland in Union look forward to welcoming you to our Burns Night in Glasgow on 2nd February 2017, get your tickets [here!](#)

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[REDACTED]

From: [REDACTED]
Sent: 31 January 2018 14:42
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FOI on Scotland in Union - text in covering letter re assessment of campaign overspend

Yes – the requests came in on 2 and 7 January so they pre-date [REDACTED] recent correspondence with SIU. Also, I think it’s helpful to mention the retrospective nature of the rules (which [REDACTED] e-mail to SIU doesn’t mention – largely because they are both already aware of the context) so that the requester can understand why we didn’t progress the issue any further.

This should go out tomorrow or Friday. Just to confirm I have redacted the names of anyone who is not Manager level or above and I have redacted e-mail / phone numbers for everyone regardless of level of seniority.

Thanks for your help in finalising this.

[REDACTED]

[REDACTED]
Senior Officer - Scotland
The Electoral Commission
City Chambers
High Street
Edinburgh
EH1 1YJ

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electoralcommission.org.uk
yourvotematters.co.uk

[Twitter](#) | [Facebook](#) | [Blog](#)

We have moved – please note our new address

From: [REDACTED]
Sent: 31 January 2018 14:37
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FOI on Scotland in Union - text in covering letter re assessment of campaign overspend

H [REDACTED]

Is there a reason for us not actually adding [REDACTED] more recent correspondence with SIU to the bundle?

Otherwise, we are both happy with the actual text.

Thanks

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3 Bunhill Row
London EC1Y 8YZ
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From: [REDACTED]
Sent: 31 January 2018 11:41
To: [REDACTED]
Cc: [REDACTED]
Subject: FOI on Scotland in Union - text in covering letter re assessment of campaign overspend

Hi [REDACTED]

I'm just finalising the FOIs on Scotland in Union (SIU) and I've noticed that in the internal correspondence file that there is an e-mail from [REDACTED] to Louise flagging that SIU overspent their limit at the June 2017 UK election. However, the date of the request doesn't capture [REDACTED] more recent correspondence with SIU where we say that we will not be taking this any further. Therefore, I would suggest that we should make a reference to this in the covering e-mail. **Do you agree?**

If so, how about the following text:

You will note that in an internal e-mail dated 5 January 2018, the Electoral Commission's Senior Financial Reporting Adviser raised concerns that Scotland in Union may potentially have exceeded the spending limit at the June 2017 UK Parliament election. This issue has now been assessed by the Commission and - given that the unexpected nature of the election meant that the spending rules applied retrospectively and taking into account Scotland in Union's prompt steps to register with us, and the fact that they desisted from further campaigning after the election was called - we have concluded that it would not be appropriate or proportionate for us to take any enforcement action in this regard.

Let me know if you are happy with that.

Thanks

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We have moved – please note our new address

[REDACTED]

From: [REDACTED]
Sent: 29 January 2018 18:13
To: [REDACTED]
Subject: Re: FOI's on Scotland in Union - should it be exempt under Section 30?

We definitely redact all contact details and also the names of junior staff so I would tend to remove anyone's name who wasn't a manager or above. I'll do the same for the more junior Scotland in Union staff

Sent from my iPhone

On 29 Jan 2018, at 17:24, [REDACTED] > wrote:

Hi [REDACTED]
Just a thought – do we generally keep names and contact details for staff in FOI responses, or do they tend to be removed?

Thanks

From: [REDACTED]
Sent: 29 January 2018 17:09
To: [REDACTED]
Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Lovely, thanks.

[REDACTED]
Senior Officer - Scotland
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EH1 1YJ

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electoralcommission.org.uk
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We have moved – please note our new address

From: [REDACTED]
Sent: 29 January 2018 17:07
To: [REDACTED]
Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Sorry I should have added that – yes I am happy to release the other info.

Thanks

[REDACTED]
Enforcement Manager
The Electoral Commission
3 Bunhill Row

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From: [REDACTED]
Sent: 29 January 2018 17:06
To: [REDACTED]

Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

I totally agree as it's not the information that has been requested. That asides are you content for the rest of the info to be released?

Thanks

[REDACTED]
[REDACTED]
Senior Officer - Scotland
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We have moved – please note our new address

From: [REDACTED]
Sent: 29 January 2018 16:35
To: [REDACTED]

Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Hi [REDACTED]

On pages 4 and 5 I feel we need to redact the names and issues at hand in relation to all the other parties/NPC, as this has nothing to do with the FOI.

I hope this make sense and happy to discuss.

Thanks

From: FOI
Sent: 26 January 2018 17:58

To: [REDACTED]
Cc: [REDACTED] Louise Edwards; Bob Posner; Andy O'Neill; [REDACTED] FOI; [REDACTED]

Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Hello,

Apologies for the delay, I have relooked at these issues and please try the links below.

Guidance: There are two files which capture the guidance/advice given to SIU. In my view they should all be released (with personal data redacted) but grateful if you could confirm your agreement:

[2015-16 correspondance with SIU.pdf](#)

[2017-18 correspondance with SIU.pdf](#)

Enforcement / Compliance: The file containing our internal discussions about whether they are in compliance is the one relevant to your teams (it's only 9 pages). Following our discussion below about the limits of Section 30 exemption then I think they probably need to be released but I am wary of releasing information which could potentially prejudice investigation activity later on.

Grateful for your views:

[Internal correspondance 3.pdf](#)

Kind regards,

From: [REDACTED]
Sent: 26 January 2018 15:11
To: [REDACTED]

Cc: [REDACTED] Louise Edwards; Bob Posner; Andy O'Neill; [REDACTED]
Subject: Re: FOI's on Scotland in Union - should it be exempt under Section 30?
I'm at a conference just now so can't help with the doc but if IT can access my P drive then there is a copy of the pdf in there too (called something like 'internal correspondence 2')

Sent from my iPhone

On 26 Jan 2018, at 12:56, [REDACTED] > wrote:

Hi all
Having a similar issue as Louise so I'll check with Ashley if she can help.
Thanks
[REDACTED]

From: [REDACTED]
Sent: 26 January 2018 09:08
To: Louise Edwards; Bob Posner; [REDACTED]
Cc: Andy O'Neill; [REDACTED]
Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?
Guidance looks fine to release. I've had a look at the advice bits too and that seems ok. Worth the advice team just doubling checking however.
[REDACTED]

From: Louise Edwards
Sent: 26 January 2018 07:41
To: Bob Posner; [REDACTED]
Cc: Andy O'Neill; [REDACTED]
Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Hi
I clicked on the enforcement/compliance link but the computer said no (or rather it said that there were no documents on that link...?). In any event, I'll leave it to [REDACTED] please to determine if there are docs he thinks an exemption might apply to. In the event that any of these matters do end up in a sanctioning decision, I'd like to maintain my distance so I can take a final determination decision.
Thanks
Louise

From: Bob Posner
Sent: 24 January 2018 17:27
To: [REDACTED]
Cc: Andy O'Neill; [REDACTED]; [REDACTED]
Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?
Thanks [REDACTED] I agree it is proper to include my note of the phone conversation with Pamela Nash.
Bob.

From: [REDACTED]
Sent: 24 January 2018 11:26
To: Louise Edwards; [REDACTED]
Cc: Andy O'Neill; [REDACTED] Bob Posner
Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?
Hi all
Further to e-mails below I have now scanned all the information covered by the terms of this request into pdf files. Given that most of the information relates to compliance, guidance or enforcement activity I would be grateful if the contents

could be looked at by someone from each of the relevant teams just to confirm that you are content for the info to be released.

Guidance: There are two files which capture the guidance/advice given to SIU. In my view they should all be released (with personal data redacted) but grateful if you could confirm your agreement:

<http://skynet/dm/Functions/IM/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-2138144262-29287>

<http://skynet/dm/Functions/IM/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-2138144262-29290>

Enforcement / Compliance: The file containing our internal discussions about whether they are in compliance is the one relevant to your teams (it's only 9 pages). Following our discussion below about the limits of Section 30 exemption then I think they probably need to be released but I am wary of releasing information which could potentially prejudice investigation activity later on. Grateful for your views:

<http://skynet/dm/Functions/IM/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-2138144262-29291>

Bob: As you can see from page 7 of the internal correspondence file above it includes your note of the phone conversation with Pamela Nash. I can't see that any exemption applies to this if it doesn't apply to anything else but wanted to flag to you in case you felt differently.

All – The deadline for this FOI is next Friday so if you could possibly review the documents and give me your views by **Monday 29 January** I would be very grateful. I will be e-mailing Scotland in Union today to notify them that we are considering releasing our correspondence with them.

Best wishes

[Redacted]

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[Redacted]

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We have moved – please note our new address

From: Louise Edwards

Sent: 17 January 2018 16:39

To: [Redacted]

Cc: [Redacted]; Andy O'Neill; [Redacted]

Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

My instinctive reaction is that it might be stretching the exemption too far if it is not a matter that is in the enforcement process now, but I've copied in FOI colleagues to see if they have a view.

Thanks

From: [Redacted]

Sent: 17 January 2018 16:18

To: Louise Edwards; [Redacted]

Cc: [Redacted]; Andy O'Neill; [Redacted]

Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Louise

Many thanks for this – appreciate how busy you are.

The FOI's came in on 2 January and 8 January so the latter would capture our note on Bob's phone call and internal e-mails on that day (but not [REDACTED] subsequent e-mail to Pamela Nash).

While it's not for me to predict where this might go, if the matter progresses from being a compliance issue into being an enforcement issue then does the release of information now potentially compromise any future investigation? Realise it's hard for you to be 100% sure without seeing the information that we might disclose (and I can scan it into a pdf file tomorrow if that helps) but it generally relates to guidance we have given to Scotland in Union and internal conversations about whether we think they are in compliance.

Thanks

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We have moved – please note our new address

From: Louise Edwards

Sent: 17 January 2018 16:05

To: [REDACTED]

Cc: [REDACTED]; Andy O'Neill; [REDACTED]

Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Hi

Sorry, [REDACTED] is off sick and I wasn't sure when he was back. So my apologies for being slow in responding.

By the looks of it 003/18 is a subset of 004/18, so I've looked at 004/18 in particular. The SIU issues are currently being dealt with as compliance matters rather than a formal assessment, so I'm not sure that 30 or 31 would apply. So my starting point would be that we would disclose, subject to any other exemptions being relevant. When did the FOIs come in? There is a question, I think, about the very recent correspondence where the prospect of an assessment was raised, such as when they rang up a couple of Fridays ago. Would that all be in scope timewise?

Thanks

[REDACTED]

From: [REDACTED]

Sent: 16 January 2018 10:38

To: [REDACTED]

Cc: Louise Edwards; [REDACTED] Andy O'Neill; [REDACTED]

Subject: RE: FOI's on Scotland in Union - should it be exempt under Section 30?

Sorry to hassle but I really need a view on this asap as I only have a couple of days this week to work on a response (if we are releasing docs)

[REDACTED]

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We have moved – please note our new address

From: [REDACTED]

Sent: 11 January 2018 16:20

To: [REDACTED]

Cc: Louise Edwards; [REDACTED] Andy O'Neill; [REDACTED]

Subject: FOI's on Scotland in Union - should it be exempt under Section 30?

I understand that your team are reviewing Scotland in Union's spending return for the 2017 UK Parliament election?

We have received two FOI's (copied below) in relation to Scotland in Union. I think the requests potentially capture all correspondence we have had with Scotland in Union and also our own internal discussions about them (including the note Bob did of his phone call with Pamela Nash last week and the e-mail [REDACTED] sent to them this week).

The response is due on 2 February and I wanted to check at this stage whether - given that we are reviewing the case - the information might be exempt from release under Section 30 (investigations). Or do we need to have formally opened an investigation for this to apply?

It seems to me that unless we're pretty sure that we won't be taking things any further then it would be very risky to release this information now. However, if we use Section 30 we are implying that we think it will go to a full investigation. Grateful if you (or Louise) could let me know your thoughts asap as if we are going to release the correspondence I will need to notify Scotland in Union asap.

Thanks

[REDACTED]
FOI 003/18

Please could you send me all correspondence, emails, forms or reports that you hold that relate to advice or guidance provided by the electoral commission to any representatives of the campaign group Scotland in Union.

I am particularly interested in emails that relate to any discussions that may have taken place about whether the group needed to formally register with the Electoral Commission during any election or referendum's.

I am also interested in any discussions or advice provided by the Electoral Commission that relate to the declaration of large donations to this group.

FOI 004/18

Please supply all items of information held by the Electoral Commission in relation to Scotland in Union.

<http://search.electoralcommission.org.uk/English/Registrations/TP6513>

This group has declared spending at the 2015 and 2017 general elections and 2016 Scottish election.

<http://bit.ly/2m5foMr>

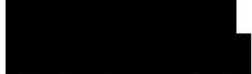
The information should include, but not be limited to, all paperwork filed with the Commission which is not already available through PEF Online, all correspondence between the Commission and Scotland in Union or its agents, and all complaints lodged in respect of Scotland in Union.

In order to fulfil this request as cheaply and efficiently as possible, it is suggested that copies of original files are released in PDF format.

I understand there may be a charge for this information.

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We have moved – please note our new address

From: [REDACTED]
Sent: 06 February 2018 12:24
To: [REDACTED]
Subject: Scotland in Union
Attachments: Scotland in Union.pdf; Scotland in Union Monitoring.docx

Hi [REDACTED]

From the campaign monitoring database I was able to run off a pdf of all the articles we have submitted on Scotland in Union. The links to the website and the Twitter feed are not time sensitive. I can do an Advanced Twitter search on the latter if you could supply me with some 'to and from' dates.

Unfortunately some of the links do not seem to work anymore. They were posted by the Scotland office, but I don't know if that is significant. There is a word document which itemises the campaign's activities over a the period of the 2015 General Election, which I have attached separately.

I hope this is what you are looking for. If you would like me to research further, including a 2015 and 2016 Advanced Google Search on Scotland in Union's activity, let me know.

Thanks

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Assistant Political Analyst
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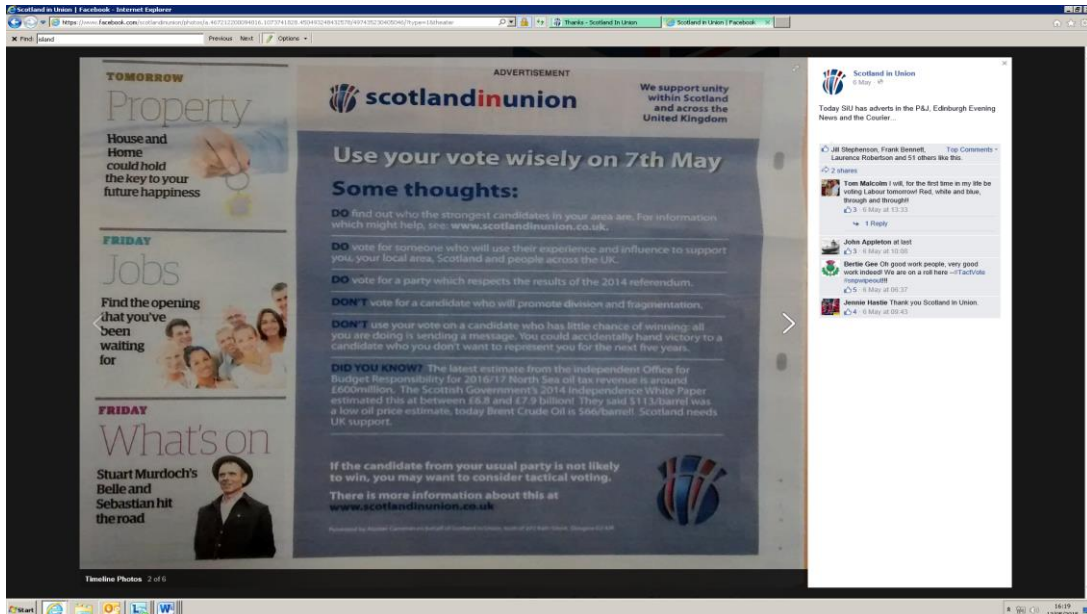


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Scotland in Union

Monitoring: evidence of campaign spending:

- Website:
<http://www.scotlandinunion.co.uk/wings> over scotland scotland in union takes to the air
- Post on website 5th May link to below video
- <https://www.youtube.com/watch?v=vncpum3gbRs&feature=youtu.be> YouTube: Video of plane flying over Central Scotland with 'Scotland in Union: No to Nationalism', Published on 4 May 2015, flight from [Strathaven Airfield](#), Route is Edinburgh first, then Perth then Glasgow.
- Commissioned a YouGov Poll 1003 adults polled published 27th of April
<http://www.scotsman.com/news/politics/top-stories/one-in-seven-to-vote-tactically-to-stop-snp-1-3756167>
- Adverts in the Press and Journal, Evening News and the courier, Screen shot below



- Facebook post 22nd Feb- Pre-launch of website
- Facebook post 3rd March- Fully launched website this weekend
-

Scotland in Union

1- High

Advertising

16/02/2015

Scotland in Union - social media

Scotland in Union is now registered with the Commission with the aim of "*inform people about the UK and to help them understand the Scottish political situation. We plan, **organise and support varied projects** which are aligned with our overall aims. That said, some of our activity in supporting Scotland in the UK will relate to the **2015 and 2016** elections, and this activity will be regulated appropriately by the Electoral Commission*".

They have launched several social media sites, including a website where they accept donations. The website does not contain an imprint, and the donation page does not quote PPERA guidance (however donors must state their full name and address).

<http://www.scotlandinunion.co.uk/>

Other

25/04/2017

Scotland in Union Expenses since 9th June 2016

Looking at the expenses that SiU have incurred in the year run-up to the UKPGE:

Multiple sign up/action days (at least 11 overall in St. Andrews, Glasgow, Kirckaldy, Edinburgh, Dundee and Edinburgh)

11th Nov - "The Global Economy, Business and the Union: A Conversation with Jack Perry" -

The Marque, Royal Exchange Square, Glasgow

Quebec Neverendum? Lecture

Scotland and UK flag badged Billboard

"No more referendum" boards and signs - some red and some blue lettering.

'Change the Record' billboard

SiU christmas projections on Stirling Castle, Glasgow Science Centre, Forth Rail Bridge,

Finnieston Crance, Perth Bridge, Tay Bridge and Arthur's Seat

Party Conference leaflet

Leaflets from 9th Feb

Scotland spoke earplugs

#Projectlisten event

200,000 leaflets - "Referendumb"

Day of Campaigning across Scotland for Referendumb

Merchandise

"NO to another referendum. YES to a united Scotland" signs

13 Youtube videos

SiU factbook

Page advert in the Herald - 18th April

<https://twitter.com/scotlandinunion>

<http://skynet/dm/Functions/ta/Comms/Scotland%20Office/Scotland%20in%20union%20leaflet%202.pdf>

<http://skynet/dm/Functions/ta/Comms/Scotland%20Office/Scotland%20in%20union%20leaflet%201.pdf>

2 - Medium

Campaign launch

23/01/2017

Former MSP named as head of Scotland in Union

The Scotsman reported on 23 January 2017 that former Labour MSP, Graeme Pearson, has been appointed as head of the pro-UK campaign group 'Scotland in Union'. He takes over from Alastair Cameron, the group's founder, at a time of mounting speculation about the prospect of a second independence referendum.

[No link](#)

Market research/canvassing

15/02/2016

Scotland in Union polling

The Herald reported on 15 February 2016 on the results of a YouGov poll commissioned by non-party campaign group *Scotland in Union* which found that only a third of Scots wanted another independence referendum before 2021. Meanwhile, 46 per cent would oppose another referendum, with almost half of those surveyed saying it would be bad for business and the economy.

The Scotland in Union campaign group, which commissioned the research, called on party leaders to rule out a second vote and focus on domestic issues such as health and education instead.

Also covered in The Daily Record.

[Click here to read Herald article](#)

[Click here to read Daily Record article](#)

01/03/2015

Campaign to limit SNP influence

Scotland in Union is campaigning for a pro-UK vote in Scotland for the UKPGE, with a long term objective to highlight the positives of Scotland being a part of the UK. With post-referendum Scotland facing a complex election, one of the organisation's activities will be to commission polling and research designed to identify and inform voters of constituencies where tactical voting could defeat the SNP. The size of the research will depend on funding.

Scotland in Union is registered with the Electoral Commission.

[Scotland in Union](#)

[In the Telegraph](#)

Other

14/05/2015

Attached word document tracking their activity.

Word document includes details from their website, facebook, twitter and Youtube.

[Click here for more information](#)

14/04/2015

Scottish Tactical Voting Guide

The Telegraph reports that the pro-union campaign group, Scotland in Union, has produced a guide for voters in Scotland on how to vote tactically to stop an SNP landslide on 7 May 2015, which covers every constituency. The analysis is posted on the group's website showing the 2010 election results in each of Scotland's 59 constituencies and the bookmaker's odds for this UKPG. The name of the Labour, Conservative or Liberal Democrat candidate that the bookmakers think has the best chance of defeating the SNP is highlighted in bold. Where constituency polls have been conducted by Lord Ashcroft, these are also taken into account.

[Click here to read story](#)

[Click here to visit website](#)

Public meetings

02/05/2016

Scotland in Union to embark on a tour to promote its case for the UK

The Scotsman reported on 2 May 2016 that Scotland in Union will launch a "summer tour" to make its case for remaining part of the UK. Campaign manager Andrew Skinner will visit all 32 Scottish council areas. Director Alastair Cameron said: "We intend to campaign to ensure support for independence stays well below Nicola Sturgeon's majority". It comes after Nicola Sturgeon stated that another referendum on independence was "more likely than not" while she is in office.

[Click here to read story](#)

[Redacted]

From: [Redacted]
Sent: 10 January 2018 11:53
To: All EC Staff - All Sites; Commissioners Protected
Subject: In the News - Wednesday 10 January 2018



Today's [front pages](#).

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

The [Scotsman](#) reports on the recent leak of alleged donor data from Scotland in Union. The leaked data was published by a pro-independence blog but subsequently taken down after the Information Commissioner's Office and the police became involved. The article also says the Electoral Commission is "investigating whether SIU had possibly [sic] breached donor roles by failing to declare donations during the run-up to the last Westminster and Holyrood elections." The organisation says they are confident that they followed the guidelines. A [Commonspace](#) article also covers this story, going into greater detail about the allegations and properly quoting the

Commission's statement: "We consider and assess possible breaches of the rules consistent with our published Enforcement Policy and we are reviewing the matter."

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: 02 February 2018 14:27
To: [REDACTED] Andy O'Neill
Cc: [REDACTED]
Subject: RE: Scotland in Union FOI follow up questions

Hi [REDACTED]

In re: to question 1, the simple answer is no. This is still being dealt with by FRT. However, as we stated in our recent correspondence with SiU, even though this is not currently being formally assessed under our Enforcement Policy depending on the information we receive it may be that we do so in the future.

I agree with your comment as to questions 3 and 4.

I'll ask [REDACTED] to give me a line on question 2.

Thanks

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From: [REDACTED]
Sent: 02 February 2018 12:40
To: [REDACTED] Andy O'Neill
Cc: [REDACTED]
Subject: FW: Scotland in Union FOI follow up questions

Hi guys,

For some reason I'm not able to open the FOI documents that were released which makes it even harder for me to draft possible responses to these questions.

I am going to go back to the journalist / blogger to say that it's unlikely we will get back to him until Monday.

But [REDACTED] – are you able to draft proposed responses to his questions.

I think for questions 3 and 4, it's just a case that we don't provide commentary on our investigations as part of our Enforcement Policy?

[REDACTED]

From: [REDACTED]
Sent: 02 February 2018 11:07
To: Press
Subject: Scotland in Union FOI follow up questions

FAO [REDACTED],

Hi,

Further to our recent phone call I wondered if you could clarify a few points with regard to Scotland in Union.

- 1) EC sent an email dated Jan 8 that suggests you could be looking in more depth at SiU's activities/recording. Is there any ongoing investigation/probe in SiU? Has this interest been taken further?
- 2) Could you explain about donations to a third party campaigner? Do they have to declare all donations over £7,500 or only those used for regulated activities?
- 3) Has the EC taken steps to verify that the allocation between "regulated" and "non-regulated" activities given by SiU is correct?
- 4) Did the split between regulated and non-regulated activities submitted by SiU form any part of the recent investigations conducted by the EC into SiU?

Thanks,

[REDACTED]

Twitter: [REDACTED] | PGP Key: [REDACTED]

From: [REDACTED]
Sent: 11 January 2018 15:30
To: [REDACTED]
Subject: RE: FW:

Follow Up Flag: Follow up
Flag Status: Completed

Hi [REDACTED]

I'm afraid the answer is quite complex and wieldy and I apologise for the long and detailed response below but essentially SIU would have to declare each donation over £7,500 – regardless of when it was given - if it was given for use towards regulated campaign activity. In order to establish whether this was the case you would need to think about:

1. Does the activity take place in the regulated period? **and**,
2. Is the activity regulated under the non-party campaigner rules?

SIU registration periods

I can't access the exact date that SIU first registered as it no longer appears on our register but am fairly sure it ran from January 2015 to May 2016.

Their current registration began on 26 May 2017. See register entry here:

<http://search.electoralcommission.org.uk/English/Registrations/TP6513>

Does the activity take place in the regulated period?

Regulated campaign activity can obviously only take place in the regulated period before an election and the relevant periods were:

UK Parliament election 2015: 19 September 2014 to 7 May 2015

Scottish Parliament election 2016: 5 January 2016 to 5 May 2016

UK Parliament election 2017: 9 June 2016 to 8 June 2017

NB: Items purchased before the regulated period, but used during it would count as regulated spending

Is the activity regulated under the non-party campaigner rules?

Our [guidance on regulated campaign activity](#) says that:

The following will be 'regulated campaign activity' if they can reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates, including political parties or categories of candidates who support or do not support particular policies or issues (we call this the '**purpose test**')

press conferences or other media events that you organise

transport in connection with publicising your campaign

As well as meeting the purpose test, spending on the following activities is only regulated if the activities are **also** aimed at, seen or heard by, or involve the public (we call this the '**public test**'): This applies to:

the production or publication of election material (such as leaflets, adverts and websites)

canvassing and market research (including the use of phone banks)

public rallies and public events

There is more detailed guidance on what is or isn't regulated activity in the doc linked above. Staff time spent on regulated activity does count towards their campaign spending limit (as long as they are being paid for that activity – it does not count if they are volunteering in their own time).

The guidance also says that the following is **not** regulated activity:

Spending on the following activities is not covered by the rules on non-party campaigning:

material that you send to your members or committed supporters

volunteer time, including time spent by your staff that you do not pay them for

- people's travel or personal expenses linked to the campaign if you do not reimburse them
- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- annual conferences
- public processions or protest meetings in Northern Ireland, where notice has been given under the Public Processions (Northern Ireland) Act 1998
- providing security at a public rally or public event
- translating material from English to Welsh or vice versa
- reasonable costs incurred that are attributable to an individual's disability
- anything that counts as campaign spending by a registered political party or a candidate unless it is caught by the rules on targeted spending

Money given for other purposes

In terms of donations then our [guidance on the donation reporting rules for NPC's](#) says:

The rules do not cover:

- money that you receive towards spending that is not regulated. For example, leaflets you produce and use before the regulated period begins.
- money given for unregulated campaign activity

Money given to you or your organisation for general purposes, rather than specifically to fund regulated campaign activity is not covered by the rules on donations.

For example, if you hold a fund-raising event to raise money to support your organisation's general activities or have regular donors who donate money on this basis, these contributions will not be covered by the rules on donations to registered non-party campaigners.

Permissible Donors

Our [guidance on donations](#) (linked above) sets out who is a permissible donor:

A permissible source is:

- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- a UK-registered company which is incorporated within the European Union and carries on business within the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership (LLP) that carries on business in the UK
- a UK-registered friendly society
- a UK unincorporated association that is based and carries on business or other activities in the UK

You must not accept donations from a political party.

[I recognise there is a lot of info here. Feel free to call if you want to talk through.](#)

[Redacted]

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We have moved – please note our new address

From: [Redacted]
Sent: 11 January 2018 13:58
To: [Redacted]
Subject: Re: FW:

Hello,

Thanks for this. And yes, all the same thing.

Can you give me the exact dates they've registered and lapsed on?

But basically, am I right in thinking, SIU would have to register all donations over £7,500 between May 2014 and now? Unless they can prove that money was for something other than regulated campaigning?

What sort of thing would that be? Would staff costs count as regulated campaigning?

And can you point me in the direction on foreign donors? Can they accept money from a citizen in an EU country for regulated campaigning?

Sorry to ask so many questions.

From: [REDACTED]

Sent: 09 January 2018 09:44:14

To: [REDACTED]

Subject: FW:

Hi [REDACTED]

I've just picked up a voicemail from you from yesterday. Am assuming that this was left before you e-mailed me but let me know if there is a further query.

Cheers

[REDACTED]
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We have moved – please note our new address

From: [REDACTED]

Sent: 08 January 2018 15:13

To: [REDACTED]

Subject: Re:

Hi [REDACTED]

Happy new year to you too. Am currently on route between Edinburgh and Glasgow so relying on memory here (but will double check and confirm when back at a pc) but main points are:

1. You can't register permanently as a non party campaigner (NPC). Registrations last for 15 months.
2. Scotland in Union (SIU) registered as an NPC ahead of the 2015 UK Parliament election. As it lasted 15 months that registration also covered the 2016 Scot Parliament election before it lapsed.
3. SIU re-registered ahead of 2017 UK Parliament election. This registration will lapse after 15 months.
4. Rules for NPCs at UK Parliament elections are that they must report all donations over £7,500 that were given for the purposes of regulated campaigning at the election (Regardless of when the donation was given). Regulated period for campaigning starts one year before the date of poll. So that applies to all donations given for the purposes of regulated campaign activity which took place between 7 June 2016 and 7 June 2017.

Does this help clarify? I've used my own words above rather than formal commission wording so if you need something to quote from let me know and I can send something before 4.30pm.

Cheers

[REDACTED]
Sent from my iPhone

On 8 Jan 2018, at 14:30, [REDACTED] <[REDACTED]> wrote:

Hi [REDACTED],

Happy new year!

Hoping you can help me.

I'm trying to get my head round what's been happening with Scotland in Union.

From what I can see from your site they only registered with you permanently, formally this year.

Though they had previously registered with you to campaign in elections? Is that right?

A source tells me that the decision to register this year means they have to declare all donations over £7,500 for the 12 months PRIOR to the registration date. Is that right?

Apologies, I might not be asking the right questions here.

Thanks,

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: 22 January 2018 12:38
To: Press
Subject: FW:

For info...

[REDACTED]
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We have moved – please note our new address

From: [REDACTED]
Sent: 22 January 2018 12:27
To: [REDACTED]
Subject: RE:

Hi [REDACTED]

As discussed on Friday, all we are able to say at the moment is:

We consider and assess possible breaches of the rules consistent with our published [Enforcement Policy](#) and we are reviewing the matter.

Cheers

[REDACTED]

[REDACTED]
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We have moved – please note our new address

From: [REDACTED]
Sent: 22 January 2018 12:25
To: [REDACTED]
Subject:

Hello [REDACTED],

Looking for a line on Scotland in Union and their donations.

So, we've been sent a copy of donations made to SiU in the last few years. Our understanding of the Electoral Commission rules is that these should have been declared.

[REDACTED]

We believe there's a public interest in printing some of the names on the spreadsheet.

Is there any chance of a comment?

Thanks,

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: 09 February 2018 12:03
To: Press
Subject: FW: Decision on SiU breach of donation declarations

So we appear to be having a lively time in Scotland press wise so – given my absence next week – I thought I should share the e-mail below in case of questions about Scotland in Union or Wings over Scotland. You should be able to pull any press lines from the info below (which has been signed off by Enforcement and Compliance managers).

Have a good w/e all.

[REDACTED]

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We have moved – please note our new address

From: [REDACTED]
Sent: 09 February 2018 12:00
To: [REDACTED]
Subject: RE: Decision on SiU breach of donation declarations

Dear [REDACTED]

Thank you for your e-mail to the Electoral Commission.

The Commission has made no decision in relation to donation declarations by Scotland in Union as that matter is still under review. However, we did decide not to take enforcement action in regard to them exceeding the spending limit at the 2017 UK Parliament election for the reasons set out below.

During the regulated period before an election or referendum non-party campaigners are subject to spending rules, including spending limits. The length of the regulated period varies from election to election and is set in legislation. Outside of the regulated period, non-party campaigners are free to spend whatever they want.

For the UK Parliamentary election the regulated period applies for one year preceding the poll. Under the provisions of the Fixed Term Parliaments Act 2011, it was anticipated that the next UK Parliament election would be in May 2020 with the regulated period running from May 2019.

However, when the snap general election was called on 18 April 2017 it triggered a retrospective regulated period running from 9 June 2016.

The Commission recognised that the calling of a snap general election and retrospective regulated period may have caused unexpected legal and practical consequences for campaigners. We advised at the time that “if you have spent money on regulated activity prior to the announcement of the UKPGE, which now falls within the regulated period, you should determine whether that spending is close to or already in excess of the threshold for registering with us. Registering will ensure that your spending is reported and therefore transparent, and that there is no risk of you beginning or continuing to spend in excess of the registration threshold without being registered. We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.”


While Scotland in Union exceeded the spending limit at the election, we took into account Scotland in Union’s prompt steps to register with us, and the fact that they desisted from further campaigning after the election was called. In light of this we concluded that it would not be appropriate or proportionate for us to take any enforcement action in this regard.

There is a separate issue in regard to donations to Scotland in Union which remains under review by the Electoral Commission.

Wings over Scotland were fined for the failure to deliver a complete spending return after the Scottish independence referendum. In this case the rules were clear well in advance of the regulated period for the referendum and, as a registered campaigner, it was Wings over Scotland’s responsibility to understand and comply with the rules.

I trust this clarifies the Commissions approach to the two non-party campaigners highlighted in your e-mail.


Yours sincerely


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We have moved – please note our new address

From: 
Sent: 06 February 2018 17:17
To: Infoscotland
Subject: Decision on SiU breach of donation declarations

Dear Sir/ Madam,

It is of extreme concern that, according to FOI information received by The Ferret (<https://community.theferret.scot/t/scotland-in-union-vs-the-electoral-commission-the-emails-in-full/1298>)

, the Electoral Commission has decided not to prosecute SiU over their breach of declaration requirements during an election period, without adequate investigation taking place by the commission.

Given the Electoral Commissions' role, it is of extreme importance that you are seen not only to be impartial, but to be above question. Given the contrast between this decision and the prosecution of the 'Wings Over Scotland' blog, this calls into question the commissions impartiality and political position on Scottish Independence.

I hope to see a review of this decision ASAP, and at a minimum, a proper investigation of the information provided by SiU.

Yours Sincerely



[REDACTED]

From: [REDACTED]
Sent: 05 February 2018 15:51
To: Bob Posner
Cc: Press; Andy O'Neill
Subject: FW: The Herald - Scotland in Union campaign accused of trying to "intimidate" election watchdog

Bob

Just to be aware of story below. Scotland in Union were sighted on what we were releasing last week so don't see Pamela Nash coming back and complaining about how she was portrayed now but thought I should make you aware just in case.

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-----Original Message-----

From: NewsAlert [REDACTED]
Sent: 05 February 2018 15:46
To: [REDACTED]
Subject: The Herald - Scotland in Union campaign accused of trying to "intimidate" election watchdog

Scotland in Union campaign accused of trying to "intimidate" election watchdog

32 mins ago
Exclusive by Tom Gordon
Scottish Political Editor

The country's leading anti-independence campaign has been accused of trying to bully the UK elections watchdog after it revealed the organisation was under investigation.

Scotland in Union wrongly claimed the Electoral Commission has issued a misleading statement and demanded an apology after the Herald raised questions over its donations.

The outburst is detailed in a memo by Bob Posner, the Electoral Commission's Director of Political Finance and Regulation and Legal Counsel, on January 5, which has now been released under Freedom of Information law.

http://www.heraldscotland.com/news/15920822.Unionist_campaign_accused_of_trying_to_quot_intimidate_quot_watchdog/

Extracted by Press Data Ltd.

For urgent enquiries, please contact 

From: [REDACTED]
Sent: 05 February 2018 14:48
To: Press
Subject: FW: Scotland in Union FOI follow up questions

For info – response on Scotland in Union

[REDACTED]
Senior Officer - Scotland
The Electoral Commission
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Edinburgh
EH1 1YJ

[REDACTED]
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We have moved – please note our new address

From: [REDACTED]
Sent: 05 February 2018 14:47
To: [REDACTED]
Subject: RE: Scotland in Union FOI follow up questions

Dear [REDACTED]

Your e-mail has been passed to me for a response – apologies for the delay.

In terms of your specific questions:

1. Our press line which we issued on 5 January still stands as in: “*We consider and assess possible breaches of the rules consistent with our published [Enforcement Policy](#) and we are reviewing the matter.*”
2. Non Party Campaigners (NPCs) only need to report donations over £7,500 if given for use towards regulated campaign activity. Further details are in our [guidance on the donation reporting rules for NPC's](#). You'll also want to read across to our [guidance on regulated campaign activity](#)
3. (and 4) – I'd refer you to the answer to no. 1 above. We don't provide comment on matters which are under review

All the best

[REDACTED]

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We have moved – please note our new address

From: [REDACTED]
Sent: 02 February 2018 11:07
To: Press
Subject: Scotland in Union FOI follow up questions

FAO [REDACTED],

Hi,

Further to our recent phone call I wondered if you could clarify a few points with regard to Scotland in Union.

- 1) EC sent an email dated Jan 8 that suggests you could be looking in more depth at SiU's activities/recording. Is there any ongoing investigation/probe in SiU? Has this interest been taken further?
- 2) Could you explain about donations to a third party campaigner? Do they have to declare all donations over £7,500 or only those used for regulated activities?
- 3) Has the EC taken steps to verify that the allocation between "regulated" and "non-regulated" activities given by SiU is correct?
- 4) Did the split between regulated and non-regulated activities submitted by SiU form any part of the recent investigations conducted by the EC into SiU?

Thanks,

[REDACTED]

Twitter: [REDACTED] PGP Key: [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 February 2018 14:34
To: [REDACTED]
Subject: RE: FAO [REDACTED] Scotland in Union query

[REDACTED]
[REDACTED] has forwarded to me for reply – apologies for the delay in doing so.

Our previous line (of 5 Jan) still stands as in:

We consider and assess possible breaches of the rules consistent with our published [Enforcement Policy](#) and we are reviewing the matter.”

Given we issued that line on 5 January we are now one month on but we are unable to comment any further until we conclude the review.

Sorry not to be able to provide more info at this point.

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We have moved – please note our new address

From: [REDACTED]
Sent: 05 February 2018 10:18
To: [REDACTED]
Subject: FW: FAO [REDACTED] Scotland in Union query

From: [REDACTED]
Sent: 05 February 2018 10:11
To: [REDACTED]
Subject: RE: FAO [REDACTED] Scotland in Union query

Hi [REDACTED]

Thanks for getting back to me on this.

By my reckoning, we are now into a second month on this review. Is that correct?

Can you say why it has taken this time?

I'm also aware, through FoI 004/18, that Scotland in Union's chief executive asked on 5 January for guidance on donations, and that Bob Posner took a call from her the same day.

Mr Posner said he would be writing to Scotland in Union the following week.

What did he say?

Thanks

█

From: █
Sent: 02 February 2018 16:28
To: █
Subject: RE: FAO █ Scotland in Union query

Hi █ sorry for the delay in responding.

I have checked with colleagues. The Commission is continuing to review the matter.

Kind regards

█

From: █
Sent: 02 February 2018 13:25
To: █
Subject: RE: FAO █ Scotland in Union query

Hello █

You sent me this statement last month on the Commission's checks into the Scotland in Union NPC.

Please can you update me on what you concluded and what you told Scotland in Union?

Thanks

█

From: █
Sent: 05 January 2018 13:32
To: █ <█> Press <press@electoralcommission.org.uk>
Subject: RE: FAO █ Scotland in Union query

Hi █

Thanks for getting in touch and sending over your email. Please see the comment below:

“We consider and assess possible breaches of the rules consistent with our published [Enforcement Policy](#) and we are reviewing the matter.”

Thanks and best wishes,

From: [REDACTED]
[REDACTED] January 2018 11:21
To: Press
Subject: [REDACTED] Scotland in Union query

Hi [REDACTED]

As discussed, Scotland in Union is a non-party campaigner in Scotland.

<http://search.electoralcommission.org.uk/English/Registrations/TP6513>

It has never registered a donation above £7500, according to the Commission's website.

However last week a spreadsheet of all its donors was leaked and this showed 14 donations of £7500 or more.

http://www.heraldscotland.com/news/15800760.Police_probe_security_breach_at_Scotland_in_Union_campaign/

One (£7500) fell during the regulated period for the 2015 general election, when SIU was a registered third party campaigner and spent £13,388.

One fell (£7500 again) fell during the regulated period for the 2016 Holyrood election, when SIU was a registered third party and spent £25,670.

And 10 (total of £138,500) fell during the regulated period for the 2017 general election, when SIU was a registered third party and spent £73,818.

SIU also received large donations totalling £24,600 outwith these regulated periods.

Does the Commission have a view on these apparent discrepancies?

Is the Commission investigating them?

Thanks

[REDACTED]

[REDACTED]
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Scottish Parliament

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[REDACTED]

From: [REDACTED]
Sent: 12 February 2018 10:02
To: [REDACTED]
Subject: RE: New contact form submission

Dear [REDACTED]

Thank you for your e-mail to the Electoral Commission.

During the regulated period before an election or referendum non-party campaigners are subject to spending rules, including spending limits. The length of the regulated period varies from election to election and is set in legislation. Outside of the regulated period, non-party campaigners are free to spend whatever they want.

For the UK Parliamentary election the regulated period applies for one year preceding the poll. Under the provisions of the Fixed Term Parliaments Act 2011, it was anticipated that the next UK Parliament election would be in May 2020 with the regulated period running from May 2019. However, when the snap general election was called on 18 April 2017 it triggered a retrospective regulated period running from 9 June 2016.

The Commission recognised that the calling of a snap general election and retrospective regulated period may have caused unexpected legal and practical consequences for campaigners. We advised at the time that “if you have spent money on regulated activity prior to the announcement of the UKPGE, which now falls within the regulated period, you should determine whether that spending is close to or already in excess of the threshold for registering with us. Registering will ensure that your spending is reported and therefore transparent, and that there is no risk of you beginning or continuing to spend in excess of the registration threshold without being registered. We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.”

While Scotland in Union exceeded the spending limit at the election, we took into account Scotland in Union’s prompt steps to register with us, and the fact that they desisted from further campaigning after the election was called. In light of this we concluded that it would not be appropriate or proportionate for us to take any enforcement action in this regard.

There is a separate issue in regard to donations to Scotland in Union which remains under review by the Electoral Commission.

Wings over Scotland were fined for the failure to deliver a complete spending return after the Scottish independence referendum. In this case the rules were clear well in advance of the regulated period for the referendum and, as a registered campaigner, it was Wings over Scotland’s responsibility to understand and comply with the rules.

I trust this clarifies the Commissions approach to the two non-party campaigners highlighted in your e-mail.

Best wishes

[REDACTED]
Senior Officer - Scotland

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From: [REDACTED]
Sent: 07 February 2018 01:56
To: Public Info
Subject: New contact form submission

- Your name: [REDACTED]
- Your email: [REDACTED]
- Your telephone number: [REDACTED]
- Your region/country: Scotland
- I am a...: a member of the public
- Comment/enquiry type: other
- Your question: <https://wingoverscotland.com/justices-torn-blindfold/> this article demonstrates a double standard on not only how you deal with complains but how you inforce rules, and if the above article is accurate then you will be like the bbc who has lost the respect of half the population of Scotland you will be seen as on a side and taking a side
- Eich Enw:
- Eich e-bost:
- Eich rhif ffôn:
- Eich rhanbarth/gwlad:
- Rwyf yn...:
- Math o sylw/ymholiad:

- Sylwadau:

- Your postcode:



[REDACTED]

From: [REDACTED]
Sent: 09 February 2018 11:50
To: [REDACTED]
Subject: RE: New contact form submission

Dear [REDACTED]

Thank you for your e-mail to the Electoral Commission.

During the regulated period before an election or referendum non-party campaigners are subject to spending rules, including spending limits. The length of the regulated period varies from election to election and is set in legislation. Outside of the regulated period, non-party campaigners are free to spend whatever they want.

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Wings over Scotland were fined for the failure to deliver a complete spending return after the Scottish independence referendum. In this case the rules were clear well in advance of the regulated period for the referendum and, as a registered campaigner, it was Wings over Scotland's responsibility to understand and comply with the rules.

I trust this clarifies the Commission's approach to the two non-party campaigners highlighted in your e-mail.

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From: [REDACTED]
Sent: 07 February 2018 15:29
To: Public Info
Subject: New contact form submission

- Your name: [REDACTED]
- Your email: [REDACTED]
- Your telephone number: [REDACTED]
- Your region/country: Scotland
- I am a...: a member of the public
- Comment/enquiry type: other

- Your question: Since when did your Office become a Agent for the Unionists? You should be closed down for you are no longer fit for purpose! To fine Wings over Scotland for a trivial over sight and yet do nothing about a unionist organisation SIU (Scotland in Union) 33% over spend is a total disgrace. I am considering taking legal action against your office through the European Courts.
- Eich Enw:
- Eich e-bost:
- Eich rhif ffôn:
- Eich rhanbarth/gwlad:
- Rwyf yn...:
- Math o sylw/ymholiad:

- Sylwadau:

- Your postcode:

