

[REDACTED]

From: FOI
Sent: 15 December 2023 11:28
To: [REDACTED]
Subject: FOI 166-23 - Response
Attachments: 2018-02-08 Re RD1A CCM0336039_Redacted.pdf; 2017-12-06 Labour Together Donations - Electoral Commission CCM0336680_Redacted.pdf

Dear [REDACTED],

Our Ref: FOI-166-23

Thank you for your email to the Electoral Commission dated 13 November 2023 and received by the Commission on 14 November 2023.

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

Your request is shown below followed by our response.

Please can you provide me with information related to any engagement, conversation or correspondence between the Electoral Commission and/or Labour Together and/or Mr. Morgan McSweeney with regards to Labour Together's obligations to report donations.

In particular, :

- 1. Any evidence available to the Commission indicating whether the Electoral Commission (including its employees, officials and agents) entered into any correspondence with Mr. Morgan McSweeney in the 2017 and 2018 calendar years, including any evidence of phonecalls or plans to arrange phonecalls between Mr McSweeney and the Electoral Commission, in relation to Labour Together's obligation to report donations as required by electoral law;*
- 2. A list of any correspondence exchanged between the Electoral Commission and Mr McSweeney in the calendar years 2017 and 2018 in relation to Labour Together's obligation to report donations as required by electoral law;*
- 3. A copy of the correspondence, if available, or a summation thereof.*

If any of the correspondence related to Labour Together's obligation to report donations included one or more phonecalls between the Electoral Commission and Mr. McSweeney and/or Labour Together in the 2017 and 2018 calendar years, please can you provide:

- 1. Any materials related to setting up, planning or arranging a phonecall, including electronic diary entries;*
- 2. A transcript or audio copy of the call, if available;*
- 3. Any materials that summarise or otherwise describe or reflect on the content of the phonecall;*
- 4. Details of how this information was shared within the Electoral Commission.*

On 20 November we wrote to you asking for clarification of this request and the next day you confirmed the following:

...the entirety of my request can be time limited to between July 2017 and September 2018; all of the information I request should thus fall within this period of approximately 13 months, and that this applies to all parts of my request.

Our response is as follows:

We hold some of the information you have requested.

We hold correspondence exchanged between the Electoral Commission and Mr McSweeney during the relevant period. We do not hold any materials related to setting up, planning or arranging of a phone call, including electronic diary entries or any transcripts or audio copies of telephone calls during the relevant period.

We are disclosing the correspondence (attached) and a brief record of one telephone call between Morgan McSweeney and the Commission on 14 November 2017 (below).

The record of the phone call is held on our Contact Case Management System. The full entry contains a large volume of generic system data so for your convenience we are providing an extract including all of the information specific to your request below:

Type	2 PEF: Guidance & Policy
Date	14 November 2017
Title	Reporting donations
Detail	Labour Together have not been reporting donations to us, Mr McSweeney was under the impression that Labour Together did not have to report because they do not campaign. However, Labour Together is a registered MA on our system. Mr McSweeney says they are not a members association and so this is where the confusion started.
PEF G&P response	I advised him to report the donations to us with a cover letter saying why they had not been reported sooner and said that if the details in the system are wrong, we can review it
Channel received	Phone
Enquirer	Morgan McSweeney

You have also asked for details of how this information was shared within the Electoral Commission. As our disclosure demonstrates, the call was recorded on our communications management system. We do not hold any information to indicate it was otherwise shared.

Exemptions under Section 40

Section 40(2) of the Freedom of Information (FOI) Act 2000 provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requested would breach one of the data protection principles. Part of the information contained in the requested information falls within the description of personal data as defined by section 1 of the Data Protection Act 2018 (DPA) because the information relates directly to an identifiable living individual.

You will notice that certain personal details have been redacted from the documents we are releasing. This redaction is necessary because section 40(2) and (3)(a) of the FOI Act provides that personal data, where its disclosure would breach one of the data protection principles, is exempt from disclosure. The first data protection principle states that personal data must be processed fairly and lawfully. The Commission considers that it would be unfair to release the names and personal contact details of junior officials, who were not employed in public facing roles and did not act as spokespersons for their employer, as those individuals would have a reasonable expectation that this personal data would not be disclosed to the general public.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: <https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request>.

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

Yours sincerely

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
[electoralcommission.org.uk](https://www.electoralcommission.org.uk)

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

From: Morgan McSweeney

Received: 09/02/2018 14:07

To: [REDACTED]

Subject: Re: RD1A CCM:0336039

I will do. Thank you.

On Fri, Feb 9, 2018 at 1:29 PM, [REDACTED] wrote:

Hi Morgan,

Thanks for confirming, could you please resubmit the form with the correct name so that we have it for our records?

I'll keep the submission date as the date you submitted the original.

Kind regards,

[REDACTED]

From: Morgan McSweeney [mailto:morgan@labourtogether.co.uk]

Sent: 08 February 2018 17:34

To: [REDACTED]

Subject: Re: RD1A CCM:0336039

Hi [REDACTED]

Sorry my mistake. The donation was for Labour Together not me.

Regards,

Morgan

On Thu, Feb 8, 2018 at 9:47 AM, [REDACTED] wrote:

Hi Morgan,

I am writing to confirm that we have received the RD1A you submitted reporting a donation of £50,000 from Mr Martin Taylor.

I notice that you have put your own name in the name box. **Please could you confirm whether the donation was received by yourself or Labour Together?**

Thanks for your help,

[REDACTED]

[REDACTED]

[REDACTED]

The Electoral Commission

[3 Bunhill Row](#)

[London EC1Y 8YZ](#)

[REDACTED]

Tel: 0333 103 1928

www.electoralcommission.org.uk

www.aboutmyvote.co.uk

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

From: [REDACTED]
Received: 06/12/2017 11:54
To: morganmcsweeney [REDACTED]
Subject: Labour Together Donations - Electoral Commission CCM:0336680

Dear Mr McSweeney,

I am writing to inform you that the donations you reported to us using the RD1A forms will be published on December 19 2017.

Please could you also confirm **whether the donations were received by Labour Together or you yourself personally?** I ask this because on the form you wrote your name and an address that appears to be a residential address rather than the organisations name and the address Labour Together is registered at.

During our conversation on this matter (14/11/17), I said I would look into the question of whether Labour Together is a Members Association.

The definition of a Members Association is: *an organisation that is not a political party, but it is wholly, or mainly, made up of the members of a political party.*

As the board of Labour Together is mainly made up of Labour Party Members, it is considered to be a Members Association.

Under the Political Parties, Elections and Referendums Act 2000 (PPERA) there are rules that certain organisations must follow in relation to donations and loans that they receive in connection with their political activities, which include such activities as promoting or developing policies for adoption by a political party, or promoting the candidacy of an individual for internal party office.

Groups that are wholly **or mainly** made up of members of a registered political party but exist outside that party's constitution are subject to these rules. Under PERA, members associations fall under 'regulated donee' rules.

Members associations do not need to register with the Commission. However, they can only accept a donation or enter into a loan over a certain value if it comes from certain, mainly UK-based sources. We call these 'permissible donors'. It is the responsibility of the members association to check the permissibility of the donation or loan. Further information is available on our [website](#) and in our [guidance for regulated donees](#) (please see page 15 of the guidance for a list of permissible donors).

Once received, a members association has up to 30 days to check the permissibility of a donor and accept a donation.

For any permissible reportable donation, a members association has up to 30 days from the day they accept it to report the donation to the Electoral Commission if the value is over £7,500 (or the donation is over £500 and aggregates with others from the same donor to over £7,500). These reports are published on the Commission's

website. Permissible donations over the reporting threshold must be reported to the Electoral Commission using an [RD1A form](#)

If any donation over £500 is impermissible, a members association has 30 days to return the donation and report the impermissible donation to the Electoral Commission. Impermissible donations must be reported to the Electoral Commission using an [RD1B form](#).

Similar rules apply to loans. However, you must check the permissibility of the lender before entering into the loan and the lender must be permissible for the duration of the loan.

Permissible loans must be reported using a [RD1C](#) form and impermissible loans reported using a [RD1D](#) form.

If you do have any further questions, please do not hesitate to contact us on 0333 103 1928 or e-mail the party and election finance inbox at pef@electoralcommission.org.uk.

Kind regards,

[Redacted]

[Redacted]

The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
Tel: [Redacted]
Tel: 0333 103 1928
www.electoralcommission.org.uk
www.aboutmyvote.co.uk

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London EC1Y 8YZ
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