

IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL

Appeal No EA/2010/0085

BETWEEN:

MR DAVID FERGUSON

Appellant

And

THE INFORMATION COMMISSIONER

Respondent

And

THE ELECTORAL COMMISSION

Additional Party

**RESPONSE TO INFORMATION TRIBUNAL'S DECISION AND ORDERED
RESPONSE**

ELECTORAL COMMISSION

1. The Information Tribunal issued its decision in this matter on 4 November 2010. The decision notice ordered the Electoral Commission to respond to two of the questions in David Ferguson's original request: Questions 21 and 25.
2. The original request at issue in this case consisted of Questions 17-26, as follows. Some answers have been previously stated and are listed below in bold.

(17) *Is it the case that a document was submitted to the Electoral Commission by Ms Wendy Alexander's Campaign Team, stating that a donation had been made to the campaign by a company called Combined Property Services?* **Yes**

(18) *Has the investigation established that the source of this donation was in fact Mr. Paul Green, a resident of The Channel Islands?* **Yes**

(19) *Has the investigation asked the Labour Party, or any individual, who recorded the source of the above donation as Combined Property Services?* **Yes**

(20) *Has the investigation received a reply to this question?* **Yes**

(21) *Who provided the answer to the question?* **[See below]**

(22) *Who on behalf of Ms Alexander's campaign did record the source of the donation as Combined Property Services?* **[The Tribunal's decision has stated this response was rightly withheld as exempt under Section 40.]**

(23) *Has the investigation asked the Labour Party, or any individual, why the source of the above donation was recorded as Combined Property Services?* **Yes**

(24) *Has the investigation received a reply to this question?* **Yes**

(25) *Who provided the answer to the question?* **[See below]**

(26) *What was the reply to the question?* [The Tribunal's decision has stated this response was rightly withheld as exempt under Section 40.]

3. The answer to Questions 21 and 25:

We interviewed several members of Wendy Alexander's campaign. In total we interviewed 6 persons associated with the Wendy Alexander campaign - Lorraine McFarlane (Wendy Alexander's personal assistant), Tom McCabe (Wendy Alexander's campaign manager), Jim Metcalfe (Wendy Alexander's campaign co-ordinator), David Whitton (Wendy Alexander's media advisor), Charlie Gordon and Wendy Alexander.

As is often the case in investigations, the various witnesses had different levels of involvement and knowledge of what transpired. Each witness was questioned about the circumstances surrounding the recording of the donation, consistent with their involvement in the matter. Each witness provided some evidence as to who recorded the donation and why the source of the donation was recorded as CPS. It appears that a list of those who had *pledged* donations initially was compiled by the campaign manager. A version of the list was then annotated by Ms Alexander's personal assistant as a means of tracking who should be sent thank you letters, not for any submission to the Commission. There appeared to have been confusion amongst the campaign team as to whether donations on the list had been received or were merely pledges, and what steps had been taken, by whom, to confirm receipt of donations. Ultimately a member of the team amended the donor name on the spreadsheet from Paul Green to CPS limited, apparently in the belief that it was a pledge rather than a donation already received.

Michellanne Calhoun Wilson

Lawyer

1 December 2010

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RESPONSE**

ELECTORAL COMMISSION

Electoral Commission

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