

Rt Hon Ben Bradshaw MP  
House of Commons  
London  
SW1A 0AA

10 September 2018

Dear Mr Bradshaw,

Thank you for your letter of 24 August on our decision not to investigate the DUP following the claims made in the BBC NI Spotlight documentary.

I appreciate that you have already looked at my letter to Mr Fitzpatrick. I would emphasise that we gave as full an explanation as we could in that letter, subject to the prohibition on us disclosing information about donations given prior to July 2017 to Northern Ireland parties.

By way of a brief background, Parliament gave us investigation and sanctioning powers to enforce the laws in the Political Parties, Elections and Referendums Act 2000. We publish an [Enforcement Policy](#) that explains how we use these powers. Our Policy sets out our commitment to acting fairly and proportionately; it covers how we take decisions to investigate, gather evidence, and sanction when offences have been committed.

In common with law enforcement and other regulators, we use an ‘assessment’ process to examine complaints. This is not a full investigation: its purpose is to decide whether to investigate. What reasonable and proportionate steps we need to take to do an assessment depends on the nature of each case. Typically, it may include looking at documents provided to us, or that we already have; asking the complainant for more information; or asking questions of the subject of the complaint.

As our Enforcement Policy explains, we will only open an investigation if we are satisfied that we have reasonable grounds to suspect a PPERA offence has occurred. And we must be satisfied that it is in the public interest to investigate. If we investigate, we will then decide what evidence to gather so that we can determine whether or not offences have been committed.

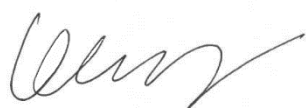
As you cite in your letter, the BBC NI Spotlight programme “Brexit, Dark Money and the DUP” gave examples of individuals involved in both the Vote Leave and DUP campaigns, and the same supplier being used.

The law does not say that if a person works or volunteers for more than one campaigner, or two campaigners use the same suppliers, then those campaigners are incurring common plan expenses. While this may indicate coordination, joint spending is by

definition something more and different. For more information on this, read our blog on working together rules [here](#).

We did a thorough assessment of the allegations made in the programme. We reviewed the programme and asked the BBC for further information. We also considered whether there were other sources we could locate to evidence the allegations made in it. We looked at whether we could infer from what we had, a reasonable suspicion of undeclared common plan expenses. Our conclusion was that we did not see evidence of joint or coordinated spending that gave us reasonable grounds to suspect undeclared joint spending.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Louise Edwards', written in a cursive style.

Louise Edwards  
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