

BY FIRST CLASS POST AND EMAIL

openDemocracy



our ref



direct extn  
direct fax  
direct email



Sent by email: [info@opendemocracy.net](mailto:info@opendemocracy.net)  
[media@opendemocracy.net](mailto:media@opendemocracy.net)

15 November 2019

**URGENT**  
**NOT FOR PUBLICATION**

Dear Sirs

**Our client: The Liberal Democrats Party and Ms Joanne Swinson**

We have been consulted by our above named clients in connection with an article written by James Cusick and published by openDemocracy titled "New evidence that LibDems sold voter data for £100,000 held back till after election" dated 13 November 2019 (the "Article"). A copy of the Article is attached to this letter for your reference.

This letter is not at this time a pre-action Letter of Claim under the Pre-Action Protocol for Media and Communications Claims, but our clients reserve their rights to send such a letter if such should prove necessary.

We are writing to you to set out the facts and our client's position in respect of the accusation that the Liberal Democrats sold voter data to Britain Stronger in Europe ("BSiE") campaign ahead of the Brexit referendum and to formally notify you that our clients strongly deny this allegation.

The Information Commissioner's Office ("ICO") previously contacted the Liberal Democrats to enquire as to the party's prior dealings with BSiE. The Liberal Democrats fully cooperated with the ICO's enquiries and provided the ICO with the requisite evidence that the party did not sell any data to BSiE. For the avoidance of doubt, the Liberal Democrats provided BSiE with a service for formatting their electoral register data. BSiE were entitled to this data as the lead organisation in the remain campaign. Moreover, the Liberal Democrats ensured that they had obtained the Electoral Commission's authorisation prior to engaging with BSiE in relation to this activity in order to confirm that it would be permissible. The Liberal Democrats would not

cont/...

inappropriately misuse voter data under any circumstances and it is irresponsible to publish an Article which suggests otherwise.

Accordingly, any accusation of wrongdoing in respect of the Liberal Democrat selling data to BSiE is completely unfounded and clearly inaccurate and misleading. The Article itself makes various disparaging references in relation to the Liberal Democrats, including, but not limited to, commentary that the Liberal Democrats has benefitted from a "*lucrative commercial deal*" and alleging that this purported money was "*urgently needed to boost party coffers*". The Article read in its entirety is evidently intended to be disparaging against our client in the run up to the general election. The publication of this Article is therefore likely to cause, if not already done so, serious harm to the Liberal Democrat's election campaign.

We further note that the Article displays a full image of Ms Joanne Swinson who, for the sake of clarification, was not an MP at the same time that this alleged event was said to take place. The inclusion of an image of Ms Swinson is clearly intended to associate Ms Swinson with the subject matter of your Article which, we have already explained, is inaccurate and misleading. Accordingly, we also draw your attention to the provisions of section 106 of the Representation of the People Act 1983 which makes it a criminal offence for anyone to publish a false statement of fact about the personal character or conduct of any person for the purpose of affecting the return of that person in an election. We consider the inclusion of Ms Swinson's picture to the Article to fit into the "personal conduct" category and accordingly has the potential to engage section 106.

#### Action Required

We have now put you on notice of the Liberal Democrats position in respect of these allegations. Accordingly, we request that you take immediate steps to ensure that you do not publish any further derogatory allegations concerning the above matters about the Liberal Democrats or Ms Swinson, nor publish any further Articles which would breach section 106. We further request that you either correct the Article to remove all derogatory and disparaging statements and to also include the Liberal Democrats' position as set out in this letter or, in the alternative, remove the publication of the Article altogether.

The nature of your response to this request will undoubtedly have an impact upon whether this matter escalates into this firm being instructed to send a Letter before Claim. For the present, we reserve all of our client's rights and await hearing from you by return (and not later than 4.00pm on 18 November 2019). The urgency of this matter will be apparent to you in light of the seriousness of the allegation which has been made against the Liberal Democrats and the position of Ms Swinson in light of the general election.

Although this letter is marked "not for publication" its contents must nevertheless be taken into account as representative of our clients' views in any publication you chose to make on this matter.

We await your urgent response.

Yours faithfully

Goodman Derrick LLP

GOODMAN DERRICK LLP

Encs.