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## Summary

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5 The allegation investigated was that the Member had misused House-provided stationery by writing to 120 universities seeking information about the teaching of European affairs (in particular about Brexit) and the names of the academics involved. In the course of the inquiry, the Member explained that the purpose of his request for information was to improve his own understanding of the issue, and that he might also publish some of the responses on his website so that his constituents might also read them.

10 The Member gave an assurance that the publication of any such material would be free of charge. He also gave an assurance that he would not share information obtained through this request with his political party. In light of those assurances, the allegation of a breach of the rules and of paragraph 15 of the Code of Conduct was not substantiated.

## Mr Chris Heaton-Harris MP: Resolution letter

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### Letter from the Commissioner to Mr Michael Foster, 14 February 2018

5 On 7 November 2017 my predecessor, Kathryn Hudson, wrote to you to say that she was beginning an inquiry into your allegation of a misuse of House-provided resources by Mr Chris Heaton-Harris MP.

10 I am writing to let you know the outcome of that work. As you are aware, the House provides Members with stationery and postage-paid envelopes to assist them in their parliamentary work. Publicly funded resources should not be used to confer undue financial benefit on the Member or anyone else, nor should they be used to confer undue advantage on a political organisation.

15 My predecessor investigated your allegation that Mr Heaton-Harris had used parliamentary stationery to obtain information which could be used in a way which gave financial benefit to him. She also investigated whether he planned to use the data in a way which would give undue advantage to a political organisation. Despite her concerns, this has not happened.

Mr Heaton-Harris has assured me that he will not use the information for either of these purposes. Since your allegation has not been substantiated, and as Mr Heaton-Harris has given me an assurance about the use of the information in future, I am concluding the inquiry.

20 I have informed Mr Heaton-Harris of my decision and I will publish the evidence pack on my webpages shortly. I will notify the Committee on Standards of the outcome in due course. The matter is now closed.

*14 February 2018*

## Written evidence

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### 1. Letter from Mr Michael Foster to the Commissioner, 1 November 2017

5 As per my email dated 25 October,<sup>1</sup> with attached link to BBC website, I would like you to investigate whether a breach of standards has been committed by Mr Heaton-Harris, in using House of Commons headed stationery to write to all UK universities asking questions about Brexit and academic staff.

10 In raising this with you, I am mindful that the Prime Minister's Office claimed that Mr Heaton-Harris wrote on a personal basis, not as a Government Whip and that the Universities Minister, Mr J Johnson MP, claimed that Mr Heaton-Harris was merely conducting research for a book.

In either case, it is not a constituency matter so using House stationery (and potentially postage too) is not permissible.

As per the reply to my email, dated 30 October, I have put this in writing.

*1 November 2017*

### 15 2. Letter from the Commissioner to Mr Chris Heaton-Harris MP, 7 November 2017

20 I would welcome your help with an allegation I have received from Mr Michael Foster about your compliance with paragraph 15 of the House of Commons Code of Conduct for Members. I enclose a copy of Mr Foster's letter of 1 November and the email which preceded it. I also enclose a copy of the material on the BBC website, to which Mr Foster provided a hyperlink in his email.<sup>2</sup>

The scope of my inquiry

25 The scope of my inquiry will be, in essence, to establish whether a letter from you, dated 3 October 2017 and reportedly sent to universities across the UK, resulted in the use of parliamentary resources to confer "undue personal or financial benefit on [yourself] or anyone else..."

The relevant rules and guidance

Paragraph 15 of the Code of Conduct (copy of Code enclosed) says that:

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<sup>1</sup> Not included as it contains no additional evidence

<sup>2</sup> <http://www.bbc.co.uk/news/uk-politics-41735839>

5

*“Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

The Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis say, at paragraphs 2 and 3:

10

*“2. The rules cannot be expected to cover every eventuality; Members should therefore always behave with probity and integrity when using House-provided stationery and postage. Members should regard themselves as personally responsible and accountable for the use of House-provided stationery and postage. They must not exploit the system for personal financial advantage, nor (by breaching the rules in paragraph 3 below) to confer an undue advantage on a political organisation.*

15

*3. House-provided stationery and pre-paid envelopes are provided only for the performance of a Member’s parliamentary function....”*

20

Paragraph 8 of the rules on the use of House-provided stationery outline the permitted uses of such stationery.

Next steps

25

I would welcome your comments on the allegation that your letter of 3 October amounts to a breach of the House’s rules and the Code of Conduct for Members. In particular it would be helpful to have the following information:

30

- The number of letters similar to the one published on the BBC (dated 3 October) you distributed
- Whether the headed paper used for the mailshot part of the stationery allocated for your use by the House authorities, i.e. was it House-provided?
- Whether the envelopes used for this mailshot were part of your stationery allocation, i.e. were they House-provided?
  - If so, what size of envelopes were used?
- How the cost of postage for this mailshot was met?

- If any of the stationery used was not part of the stationery allocated for your use by the House, please explain how it was funded and provide supporting evidence
- 5 • Assuming at least part of the cost of this mailshot was met by the public purse, on what basis you considered the mailshot to be part of your parliamentary activities
- The use to which you intended to use the information gathered through the responses you hoped to receive
- 10 • whether you considered at the time whether the mailshot might be considered to be for your personal benefit
  - if you did so and concluded that it should not, the basis on which you reached that conclusion

I would be glad to have any other information or evidence you consider relevant to the allegation of a breach of paragraph 15 of the Code of Conduct.

15 I enclose a copy of the *Commissioner's Information Note*,<sup>3</sup> which sets out the procedure I follow. I am writing to Mr Foster to let him know that I have decided to begin an inquiry into this matter. I will shortly update my parliamentary web pages to show that I am conducting an inquiry into an allegation into an alleged breach of paragraph 15 of the Code of Conduct.

20 My office will not comment further on any aspect of the inquiry to third parties. They will, however, confirm that I have begun an inquiry if asked before this information is posted on my webpages and they will answer factual questions about the processes I follow and the standards system more generally. Should I receive any more allegations about this matter, I will explain to the individuals concerned that I  
25 have already begun an inquiry into it.

As you will be aware, my inquiries are conducted in private. This letter and any subsequent correspondence between us is protected by parliamentary privilege until such time as a final report is published. (Any such report will include all the relevant evidence, including our correspondence.) I would, therefore, ask that you  
30 respect that confidentiality.

As a matter of courtesy, I should say now that I may make enquiries of the relevant House authorities in due course. If I do so, I will share that correspondence with you. While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview.

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<sup>3</sup> <http://www.parliament.uk/documents/pcfs/New%20Website%20Documents/PCS-Information-Note.pdf>

I am, of course, very happy to meet with you at any stage if you would find that helpful.

I would appreciate your help and co-operation, and welcome your comments on the allegation, together with any evidence you feel may assist my investigation, as soon  
5 as possible and no later than 21 November 2017.

*7 November 2017*

**3. Letter from Mr Chris Heaton-Harris MP to the Commissioner,  
15 November 2017**

Thank you for your recent letter.

10 Please find below my answers to the questions you asked.

I sent 120 letters on my parliamentary headed notepaper to universities in a brown DL windowed envelope (2nd class prepaid). I note you only sent me a copy of the BBC article about the letter and not the letter itself and so I have taken the liberty of enclosing a copy of the letter I sent.

15 The letter was essentially a "freedom of information" request to universities (and has been treated as an FOI request by many of them) asking for information to help me continue my ongoing parliamentary research into European issues.

To give some context, before being elected to the House I was a Member of the European Parliament for ten years and I immediately went onto the European  
20 Scrutiny Committee in this place and served on that until the General Election in 2015; so throughout my political career I have been continually researching European issues. Indeed, as a founding member of the "Fresh Start" Group of MPs in 2011, the research I was involved in formed ideas around what a renegotiation within the EU could possibly look like. I regularly publish the results of my work  
25 when it is concluded, usually with the input of other colleagues, on my website. For example, until recently, the "Fresh Start" research and findings could be found on my website. Incidentally, all the European research I have physically published has been done so free of charge.

I spent the best part of my ten years in the European Parliament on the Budget  
30 and/or Budgetary Control Committees and spent between 2010 and 2015 on the Public Accounts Committee. I believe it is the job of any parliamentarian to ask questions of those who spend public monies.

Thus I believe my research in this area is completely legitimate and could not be considered to be for my personal benefit.

35 *15 November 2017*

**Text of a letter from Mr Heaton-Harris sent to universities, dated 3 October 2017**

I was wondering if you would be so kind as to supply me with the names of professors at your establishment who are involved in the teaching of European affairs, with particular reference to Brexit.

- 5 Furthermore, if I could be provided with a copy of the syllabus and links to the online lectures which relate to this area I would be very much obliged.

I sincerely hope you are able to provide me with such and I look forward to hearing from you in due course.

10 **4. Letter from the Commissioner to Mr Chris Heaton-Harris MP, 20 November 2017**

15 Thank you for your letter of 15 November. The information you have provided is helpful and I now understand that the letters, which were sent to 120 universities, involved both House-provided headed paper and House provided postage pre-paid envelopes. I do, however, require more information about the purpose for which the letters were sent.

You have provided some contextual information about your background as an MEP and your on-going interest in European matters. However, I am not clear how the particular questions in your mailing are relevant to your parliamentary activities.

20 I would, therefore, be grateful if you would provide your comments on these points and within your response, include the following information:

- The use(s) to which you intended to put the responses you hoped to receive from the universities;
- the use(s) you have made of any the information received so far in response to these letters; and
- 25 • whether the research was intended to inform a book or other publication
  - if so, how/where was that publication intended to appear.

In your letter you make reference to having previously published such research on your website; I would be grateful if you would provide the address for that website, and say whether it is maintained through publicly funded resources.

30 I would appreciate your help and co-operation, and welcome your comments on the allegation, together with any evidence you feel may assist my investigation, as soon as possible and no later than 4 December 2017.



20 November 2017

**5. Letter from Mr Chris Heaton-Harris MP to the Commissioner.  
28 November 2017**

Thank you for your reply and further questions.

- 5 The purpose of my research was twofold: to help me become better informed on the major issue of this Parliament and, thus enabling me to make better decisions and to publish some of the more interesting replies on my website so my many interested constituents could take a look. If these pages on my website become popular, I might well produce a pamphlet on these issues; which - like every other  
10 political pamphlet I have written or contributed to formally on this subject - would be free of charge.

My self-funded website can be found here: [www.heatonharris.com](http://www.heatonharris.com)

I am still collating the information I have received and intend to read through it in the coming weeks.

15 *28 November 2017*

**6. Letter from the Commissioner to Mr Chris Heaton-Harris MP, 11 December 2017**

Thank you for your letter of 28 November 2017. The information you have provided is helpful. Having considered it carefully, I have two more questions.

- 20 You have told me that the purpose of your research was two-fold; to help you to become better informed on the major issue of this Parliament and to publish some of the more interesting replies on your website for your constituents. It is not clear to me how your first question in your letter to the universities was relevant to either of those purposes. I would, therefore, be grateful if you could provide some  
25 explanation on that point.

Thank you for clarifying that the website on which you planned to publish any interesting replies is self-funded. Having reviewed the home page of [www.heatonharris.com](http://www.heatonharris.com) I note that it is promoted by [details redacted] on your behalf, at [redacted]. I understand that this address belongs to St George's  
30 Conservative Club. In light of that, the website could be understood to be party political, rather than a purely parliamentary, website. Again, I would be grateful for any clarification you could provide.

As you may know, my term of office comes to an end of 31 December 2017 and I will be succeeded by Kathryn Stone. It is unlikely that I will be able to conclude my  
35 inquiry before the end of this month. However, if you would respond as soon as possible to this letter, and no later than 21 December, that would be most helpful.

11 December 2017

**7. Letter from Mr Chris Heaton-Harris MP to the Commissioner,  
18 December 2017**

Thank you for your further letter.

5 Please find below my answers to the questions you asked.

My website is paid for personally by me. Like all politicians I maintain the "imprint" of my political agent to comply with the law at election time.

10 As for the names I requested; I thought it would be easier to correspond with them directly in the future, if for example, I had any questions or wanted to ask for permission to use any information passed to me.

18 December 2017

**8. Letter from the Commissioner to Mr Chris Heaton-Harris MP,  
28 December 2017**

15 Thank you for your letter of 18 December in response to mine of 11 December, and for your earlier letter of 28 November. I am grateful for these. However, some information is still outstanding. For example, you have said that the overall aim of your letters to Vice Chancellors was to help you become better informed and to publish some of the more interesting replies, but you have not answered my question about the purpose of this particular letter, or how you intended to use the  
20 specific information you requested.

From reading your letter to Vice Chancellors, I would expect these letters to result in a list or database of professors teaching European affairs or similar, in almost all UK universities; details of the syllabuses (both undergraduate and postgraduate) at each such university; and, where publicly available, links to online teaching material.  
25 Please correct me if this was not the information you hoped to obtain.

Analysing the responses to these letters could present a considerable task. Please let me know:

- (1) who drafted the initial letter to Vice Chancellors, and (if relevant) who employed this person or persons;
- 30 (2) who has analysed and collated the responses (or was to analyse and collate them, if this has not yet been done) , and (if relevant) who employs/employed this person or persons;

- (3) whether you (or those working on these replies) have recorded the contact details of the professors whose names were given to you, and if so how these contact details were obtained;
- 5 (4) why the letters to Vice Chancellors did not explain how you intended to use their answers to your questions;
- (5) whether you proposed to post on your website and/or set out in a pamphlet *all* the data gathered through this exercise, or just certain items (and if so which);
- 10 (6) whether you proposed (or propose) to share your data with others before posting it on your website or setting it out in a pamphlet, and if so with whom;
- (7) whether other members of your political party or their staff, and/or any staff of a group such as the European Research Group, have been involved in any way in this research exercise, and if so how.

15 Finally, you say that you personally pay for your website. Many Members pay for their own websites, which is not in itself a problem. Yours however appears to be used for party political campaigning. I have already commented that your agent's name appears in the imprint, which you have said is in order to ensure that you comply with the law at election time. I see that your party's oak tree symbol appears  
20 on the tabs at the top of my screen. I have also read your privacy statement, which is as follows:

*This website is run by Chris Heaton-Harris MP and its Data Controller is Chris Heaton-Harris MP. This website only collects data that you submit via it; in doing so you are providing it willingly and with consent for the purposes of communication and  
25 campaigning. Your data may be shared within the Conservative family but we never share it with a third party without your consent. If you have any questions about the data held please contact Chris Heaton-Harris MP via the contact information on this website. The website itself is supported technically by Bluetree Website Services, who share a Privacy Policy with the Conservative Party that can be found [here](#).*

30 I am concerned that data obtained, partly or wholly, at parliamentary expense was to be posted on this website, which is used for campaigning. In addition, your privacy statement suggests that if the findings of your research exercise were posted here, and if it inspired any online discussion, you would share with your party, and/or use for political campaigning any personal or other information collected  
35 through the website. As you know, as a general principle, if you have collected personal data through your parliamentary work, you should not share this with your political party. Please let me have your comments on this.

As you know my term of office ends on 31 December, so please reply to my successor, Kathryn Stone, by 19 January 2018 at the latest.

*28 December 2017*

**9. Letter from Mr Chris Heaton-Harris MP to the Commissioner, 18 January 2018**

5 Thank you for the further letter of 28 December sent by your predecessor, Kathryn Hudson.

First and foremost, can I welcome you to your new role as Parliamentary Commissioner for Standards.

10 In response to questions 1, 2 and 7, I can confirm that the initial letters to Vice Chancellors and the analysis of these responses was undertaken by my parliamentary office, and them alone. Their salaries are paid for out of my staffing budget and are in line with IPSA paycales.

15 In response to question 3, my office has not formally compiled a list of the contact details of the professors whose names were supplied. However, as we have catalogued each and every response, this information when given by the university, has been stored on file.

In response to question 4, I did not share the purpose of my 'research project' with the Vice Chancellors because I am not obliged to do so, and chose not to. Similar Freedom of Information requests are not required to disclose why any information is being asked for.

20 In response to questions 5 and 6, as I have previously explained to Ms Hudson I my second letter to the Commission, I will "publish some of the more interesting replies on my website so my many interested constituents could take a look". I have not come to a decision as to which of these responses I will publish, indeed I still have very many to read myself. Furthermore, I can confirm that the complete catalogue  
25 of responses will not be shared with anyone outside of my parliamentary office.

30 Finally, Ms Hudson goes into detail regarding the privacy statement displayed on my website. This privacy statement is displayed across all Members' websites that are powered by 'Bluetree', including many senior Cabinet members. More information regarding Bluetree can be found here: <https://www.conservativewebsites.org.uk>. As the information was not collected through my website, I fail to see how this contravenes the privacy statement displayed on my website.

I sincerely hope this clarifies the matter.

*18 January 2018*

### 10. Letter from the Commissioner to Mr Chris Heaton-Harris MP, 24 January 2018

Thank you for your letter of 18 January 2017. I have carefully reviewed the correspondence you exchanged with my predecessor, Kathryn Hudson. I now have  
5 sufficient evidence to make a decision on Mr Foster's allegation. However, there is one remaining point on which I need an assurance from you before I can conclude my work. (The penultimate paragraph of this letter provides the detail.)

As you know, the inquiry sought to establish whether a letter from you, dated  
10 3 October 2017, was sent in breach of the Rules for the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the crowned portcullis. Mr Foster's allegation concerned reports that your letter of 3 October 2017 might have been sent in connection with research for a book. In the course of the inquiry you have provided information which has given rise to a second related concern.

15 The rules for the use of House-provided stationery make explicit that stationery and pre-paid envelopes are provided "only for the performance of a Member's parliamentary functions" and prohibit its use not only "for personal financial advantage" but also "in connection with work for or at the behest of a political party" (paragraphs 2 and 3). The Code of Conduct says, more broadly, that public resources  
20 should not be used to "confer undue advantage on a political organisation".

You have said that your letter was essentially a freedom of information request to help you with ongoing parliamentary research into European issues and that the responses would make you better informed and enable you to make better decisions. That is, of course, entirely reasonable.

25 I am grateful for your assurance that, if you were to publish a pamphlet based on some of the responses to your letter, it "like every other political pamphlet [you] have written or contributed to on this subject – would be free of charge". You clearly recognise that it would be inappropriate for you or anyone else to benefit financially from the publication of material obtained through the use of public resources.

30 However, the correspondence gives rise to a slightly different concern about the possibility of conferring undue advantage.

In your letter of 18 January you say that as the information was not collected through your website, you do not see how it contravenes the privacy statement. My predecessor's concern was not of a breach arising from the gathering of the  
35 information from the universities. Her concern, which I share, was about how the information gathered would then be used.

Although the content of your website appears at this point to be parliamentary rather than party political in nature, the privacy statement tells visitors to the website that by providing data "...you are providing it willingly and with consent for  
40 the purposes of communication and campaigning. Your data may be shared within

the Conservative family...." [My emphasis.] As public resources were used to obtain information from the universities, it would be a breach of the rules to use the responses in connection with work for or at the behest of a political organisation, in the same way that it would be a breach to use that material for a book from which financial gain might be made.

You say that you intend to publish some or all of the universities' responses on your own website. If you share data arising from a discussion of these items, you would be at risk of breaching the rules. I must therefore ask you for an explicit assurance that you will not use the information you have received following your letter of 3 October or discussion of that information when published in a way which gives undue advantage to a political organisation.

Subject to receiving that assurance, I would conclude my inquiry. I would write to Mr Foster to inform him that his allegation had not been substantiated and, in due course, I would notify the Committee on Standards. I would publish on my webpages the evidence I have considered, a copy of which is enclosed. As you can see, the first item in the evidence pack, after the summary, is my letter to Mr Foster. If you have any comments on its factual accuracy, please let me have them when you respond to this letter. I would be grateful to have your reply as soon as possible and no later than 7 February 2018.

20 *24 January 2018*

### **11. Letter from Mr Chris Heaton-Harris MP to the Commissioner, 5 February 2018**

Thank you for your further letter of 24 January.

Naturally, I would never knowingly breach any of the rules surrounding the Members' Code of Conduct and rules of the House. As such, you have my complete assurance that I will not publish on my website any of the email addresses contained within the responses I received following my letter to universities.

In respect of your concerns about how the information gathered would be used, I think it is important to again point out that I never intended to share this information with my party. Whilst I accept that the privacy statement does contain reference to the fact that data "*may be shared with the Conservative family*", the important word here is 'may', and does not infer that I 'will'.

I sincerely hope this clarifies the matter.

*5 February 2018*