



House of Commons
Committee on Standards

Dr Rosena Allin-Khan

Ninth Report of Session 2019–21

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to the report*

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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Report

1. This Report arises from a complaint to the Parliamentary Commissioner for Standards that Dr Rosena Allin-Khan MP had breached paragraphs 15 and 16 of the Code of Conduct by misusing House-provided stationery and misusing information provided by the complainant in confidence (his contact details).

2. The Commissioner has supplied us with a memorandum relating to these matters, which we publish as an appendix to this report.¹ Dr Allin-Khan also provided us with further written evidence.² Full details of the Commissioner's inquiry and her findings are set out in the memorandum. We shall summarise them briefly before setting out our own conclusions.

The Commissioner's findings

3. On 2 November 2019, Dr Allin-Khan sent 1,624 letters (of which one was received by the complainant) using House of Commons headed paper and pre-paid House-provided envelopes.³ The letter was entitled "Brexit Update" and contained the following passages:

As someone who has contacted me about Brexit in the past, I wanted to ensure that you are up-to-date on how I have been fighting Brexit in Parliament. [...]

Since I was first elected in 2016, just a week before the referendum, I have done my best to represent the interests of Tooting. I voted against triggering Article 50, voted against every proposed Brexit deal because they would have been damaging for our country, and I have been a vocal supporter of a People's Vote.

I would however, like to reassure you that I am committed to remaining and, if I am re-elected, I will campaign to Remain in all circumstances and keep using my vote in Parliament to represent the best interests of our community at every stage.⁴

4. The complainant had originally emailed Dr Allin-Khan (as his local MP) about an early General Election, and, in doing so, provided his full personal contact details. The complainant reported that, in addition to the letter of 2 November 2019, he had subsequently received emails from Dr Allin-Khan's non-parliamentary email address and a hard copy Labour Party newsletter, which the complainant alleged was a misuse of his personal data.⁵

1 Written evidence accompanying the Commissioner's memorandum is published on the Committee's website.

2 Published as Appendix 2

3 Appendix 1, paras 8, 16

4 Appendix 1, para 8

5 Appendix 1, para 9

Relevant provisions in the Code of Conduct

5. The Code of Conduct and Guide to the Rules provides that:

Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.⁶

Paragraph 16 of the Code also states that:

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.⁷

6. The rules on the use of stationery and postage paid envelopes provided by the House state that:

House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's Parliamentary functions. In particular, this excludes using stationery or postage [...] in connection with work for or at the behest of a political party (including fund-raising for a political party, advocating membership of a political party or supporting the return of any person to public office).

Breach of the stationery rules

7. The date of Dr Allin-Khan's letter fell in the window between the Early Parliamentary General Election Act 2019 receiving Royal Assent (on 31 October 2019) and the dissolution of Parliament (on 5 November 2019). The Commissioner noted that this was therefore a period of "heightened sensitivity".⁸

8. The Commissioner concluded that Dr Allin-Khan's letter used "public resources to highlight to a group of voters her position and record on an issue that was one of the key themes of the imminent election" and "contained an important personal campaign message, which [...] had the effect of seeking to support Dr Allin-Khan's return to office."⁹

9. The Commissioner therefore concluded that Dr Allin-Khan breached the House's rules on the provision of stationery, and therefore paragraph 16 of the Code.¹⁰

6 The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members (HC 1882), Guide to the Rules, paragraph 15

7 The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members (HC 1882), Guide to the Rules, paragraph 16

8 Appendix 1, para 26

9 Appendix 1, paras 27–28

10 Appendix 1, para 29

Misuse of personal data

10. The Commissioner concluded that the complainant, having provided his contact details to Dr Allin-Khan in his original email, “was entitled to expect that those details would be held securely and would not be used for another purpose without his consent”, yet “his contact details were moved onto different systems and were used to send unsolicited emails from a non-parliamentary email account about an unconnected non-parliamentary petition”.¹¹

11. The Commissioner concluded that in using the complainant’s contact details for purposes unconnected to her parliamentary duties, Dr Allin-Khan had committed a minor breach of paragraph 15 of the Code.¹²

12. The Commissioner did, however, state that she was satisfied that the “hard copy Labour Party newsletter was sent directly by the Labour Party using data drawn from the electoral register, and was not informed by details taken from her [Dr Allin-Khan’s] constituency database”, and that this letter did not therefore breach paragraph 15 of the Code.¹³

Previous breaches by Dr Allin-Khan

13. We note that this is the third inquiry that the Commissioner has undertaken into the conduct of Dr Allin-Khan since her election in 2016.¹⁴ In May 2018, the Commissioner rectified a case which also involved a breach of paragraph 16 of the Code (through a breach of the rules on the use of the crowned Portcullis). The Commissioner found that Dr Allin-Khan had breached the rules by sending out party-political literature on privately printed stationery which used the Royal badge of the crowned Portcullis. At the time, Dr Allin-Khan apologised “that the crowned portcullis badge was used on a party-political letter” and added “I now have an understanding regarding the rules relating to this”.¹⁵ The Commissioner also rectified a case in February 2019 relating to late registration of financial interests.¹⁶

14. This case was unable to be rectified by the Commissioner both because breaches of paragraph 15 cannot be rectified under Standing Order No. 150, and because of Dr Allin-Khan’s previous breaches of the rules.¹⁷

15. The Commissioner has recorded her concern that “repeated breaches of the rules may indicate a lack of proper attention to the House’s system of standards”.¹⁸

11 Appendix 1, para 32

12 Appendix 1, paras 33–34

13 Appendix 1, para 41 and Email from Dr Rosena Allin-Khan MP to the Commissioner, 16 September 2020

14 Appendix 1, para 40

15 [Rectification \(Dr Rosena Allin-Khan\), May 2018 - Letter from Dr Rosena Allin-Khan MP to the Commissioner, 19 April 2018](#)

16 [Rectification \(Dr Rosena Allin-Khan\), February 2019](#)

17 Appendix 1, para 40

18 Appendix 1, para 40

Dr Allin-Khan's comments on the allegations

16. In her comments on the Commissioner's draft memorandum, Dr Allin-Khan accepted that she breached the rules on use of stationery, but stated that she was acting in good faith:

I was acting in good-faith when I sent those letters to local people who had contacted me regarding Brexit and I believed I was following the rules, which is why I was sure not to suggest that people should vote for me. I understand that this was a mistake and I will ensure this doesn't happen again.¹⁹

Dr Allin-Khan's further written evidence to the Committee makes clear that she accepts that her mailing breached the rules; but adds that she believes she "had the best intentions" and "did not deliberately mean to break the rules".²⁰

17. We note that Dr Allin-Khan has also offered to repay the cost of the mailing.²¹

18. In relation to the Commissioner's finding that Dr Allin-Khan breached paragraph 15 of the Code, Dr Allin-Khan maintains, in her written evidence to this Committee, that "at no time did I misuse the constituent's data" and that she believes "this has been misunderstood".²² However, Dr Allin-Khan's written evidence refers on this point only to the two hard copy letters received by the complainant, neither of which the Commissioner found to be in breach of paragraph 15 of the Code. The Commissioner found a breach of paragraph 15 in relation to an email sent from Dr Allin-Khan's non-parliamentary email address relating to an unconnected non-parliamentary petition (see paragraph 10 above). Dr Allin-Khan's further written evidence to this Committee does not address this. The Commissioner noted in her memorandum that Dr Allin-Khan did not provide a comment on, or explanation of, "how emails about a local petition concerning Brexit came to be sent to the complainant from a non-parliamentary email account".²³ We therefore agree with the Commissioner that Dr Allin-Khan did indeed breach paragraph 15 of the Code.

Conclusion

19. We agree with the Commissioner's findings that Dr Allin-Khan breached paragraph 16 of the Code of Conduct when sending her mailing in November 2019; and breached paragraph 15 of the Code of Conduct by using the complainant's contact details for purposes unconnected to her Parliamentary duties.

20. In accordance with our usual practice, we have considered whether there are any aggravating or mitigating factors in relation to these breaches.

21. We regard the following to be aggravating factors:

19 Email from Dr Rosena Allin-Khan MP to the Commissioner, 16 September 2020

20 Appendix 2

21 Email from Dr Rosena Allin-Khan MP to the Commissioner, 16 September 2020; Appendix 2

22 Appendix 2

23 Appendix 1, para 37

- This is the third time Dr Allin-Khan has been found by the Commissioner to have breached the rules within three years. One of these previous breaches was also of paragraph 16 of the Code. We agree with the Commissioner that repeated breaches may indicate a lack of proper attention to the House's standards system.
- Dr Allin-Khan is an experienced member of the House who is also a frontbench spokesperson.

22. We note that Dr Allin-Khan stated she acted “in good faith” in sending out her mailing.²⁴ We would usually consider a Member acting in good faith to be a mitigating factor.²⁵ However, following her previous breach of paragraph 16 of the Code, Dr Allin-Khan stated that she now understood the rules of the House relating to the use of stationery and the crowned Portcullis. Given her previous breach and subsequent assurances, and the fact that the letter was sent at a period of heightened political sensitivity, we would expect Dr Allin-Khan to have reflected more carefully, or indeed sought advice, on the content of her mailing before sending it. **We wish to make it clear that however busy a Member's workload, the responsibility for fully understanding and abiding by the rules of the House lies with the Member and the Member alone. Members in any doubt as to whether their use of House-provided stationery meets the rules are strongly encouraged to seek advice from the Service Delivery team.**²⁶

23. We consider that any sanction should meet the minimum standard required for rectification, namely, reimbursement of the full cost of stationery and postage paid envelopes which were improperly used.²⁷ The cost of sending 1,624 letters using House of Commons headed paper and second class prepaid envelopes in November 2019 was £1,142.52.

24. We recommend that Dr Allin-Khan should apologise to the House for her breaches of the Code of Conduct by way of an apology by personal statement, the text of which should be agreed in advance with Mr Speaker and the Chair of the Committee, and that she should repay the full cost of the mailing. We further recommend that Dr Allin-Khan agree with the Chair and two other members of the Committee steps she will take to prevent any further breaches of the Code. In three months' time and six months' time from the publication of this report, the Chair and two other members of the Committee will review with her the progress that has been made. We reserve the right to issue a further report on this matter. We would regard any further breach of the Code of Conduct by Dr Allin-Khan which evidenced a lack of proper attention to the rules as a matter which might call for a more serious sanction.

24 See para 16 above.

25 Committee on Standards, Seventh Report of Session 2019–21, *Sanctions in respect of the conduct of Members* (HC 241), para 80

26 The contact details for the Service Delivery team can be found at the end of the rules on the use of House of Commons stationery, and on the Parliament intranet.

27 Standing Order No. 150(4)(b)

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards—Dr Rosena Allin-Khan MP

Summary

This memorandum reports on the inquiry that I commenced on 24 February 2020 concerning an allegation that Dr Allin-Khan had breached the rules of the House by misusing both House-provided stationery and information provided by the complainant in confidence (his contact details).

When I asked the Member about these allegations, she told me that her letter was an update on a single issue that the complainant had previously contacted her about and that the complainant's contact details had been used in a way that was compliant with the General Data Protection Regulation. However, it was my conclusion that the letter provided the Member with an undue advantage and supported her return to her office by using a campaign message that was to feature in the forthcoming 2019 General Election. I also concluded that the complainant's contact details had been used without his consent to add him to mailing lists that were not parliamentary in nature.

I therefore found that the Member acted in breach of the House's stationery rules and paragraphs 15 and 16 of the Code of Conduct for Members.

I am aware that the Member returned to clinical practice when the coronavirus pandemic began. Although the complaint raised important matters, it was not immediately urgent, and I suspended work on my inquiry temporarily so that it would not be an inappropriate distraction.

Dr Allin-Khan's breach of paragraph 15 of the Code of Conduct cannot be concluded by way of the rectification procedure. This is the third inquiry that I have undertaken into the conduct of the Member since she was first elected in June 2016. I am concerned that repeated breaches of the rules may indicate a lack of proper attention to the House's system of standards. It is for these reasons I am referring this memorandum to the Committee on Standards.

Dr Allin-Khan, having seen a draft of this memorandum, accepted my decision regarding the breach of the House's stationery rules and offered to repay to the public purse the cost of the mailing. Dr Allin-Khan also told me that one of the nonparliamentary mailings had been circulated by the Labour Party through the use of the electoral register and the complainant's contact details had not been shared with the Labour Party.

The allegations

1. I investigated an allegation that Dr Rosena Allin-Khan MP had breached the Rules for the use of stationery and postage-paid envelopes provided by the House of Commons in her correspondence of 2 November 2019.

2. I also investigated an allegation that Dr Allin-Khan had breached the Rules of Conduct by her use of a constituent's contact details.

Relevant rules of the House

3. The Code of Conduct for Members of Parliament approved by the House on 19 July 2018 ("the Code") states at paragraph 15:

Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.

4. The Code also states at paragraph 16:

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.

5. The Rules on the use of stationery and postage-paid envelopes provided by the House of Commons, and for the use of the Crowned Portcullis state the following:

Principles

2. These rules are not 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.

Rules

3. House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's Parliamentary functions. In particular, this excludes using stationery or postage:

i. in connection with work for or at the behest of a political party (including fund-raising for a political party, advocating membership of a political party or supporting the return of any person to public office)

...

My Inquiry

6. I have obtained relevant information from the complainant, Dr Allin-Khan and House officials during the inquiry. The inquiry itself was straightforward.

7. I can confirm that Dr Allin-Khan was provided with the opportunity to comment on the draft of this memorandum.

Evidence

8. On 19 December 2019 the complainant contacted my office regarding correspondence sent by Dr Allin-Khan on 2 November 2019.¹ The letter was entitled “Brexit Update” and was sent on House of Commons headed paper and via a pre-paid House-provided envelope. The opening sentence of the letter reads:

As someone who has contacted me about Brexit in the past, I wanted to ensure that you are up-to-date on how I have been fighting Brexit in Parliament.

The letter continues:

Since I was first elected in 2016, just a week before the referendum, I have done my best to represent the interests of Tooting. I voted against triggering Article 50, voted against every proposed Brexit deal because they would have been damaging for our country, and I have been a vocal supporter of a People’s Vote.

The letter also states:

I would however, like to reassure you that I am committed to remaining and, if I am re-elected, I will campaign to Remain in all circumstances and keep using my vote in Parliament to represent the best interests of our community at every stage.

9. The complainant said that he had contacted Dr Allin-Khan on 9 September 2019² via her parliamentary email account to ask that Dr Allin-Khan and the Labour Party support the calling of a general election. The complainant reported that he did not receive a reply but, in addition to the letter of 2 November, had subsequently received emails from Dr Allin-Khan’s nonparliamentary email address and a Labour party newsletter:

- a) On 17 September 2019, 30 September 2019, and 9 October 2019³ Dr Allin-Khan sent the complainant, via her non-parliamentary email account, invitations to sign a “local” anti-Brexit petition that she was coordinating.
- b) At some time in October 2019⁴ Dr Allin-Khan sent the complainant,⁵ on Labour Party headed stationery, a general update on a range of topics including clean streets in Tooting, housing, climate change, Brexit, and the NHS. The update was personally addressed to the complainant and was sent to his home address.

1 Written evidence 1

2 Written evidence 1

3 All at written evidence 1

4 The letter does not contain a complete date

5 Later clarified by Dr Allin-Khan as having been sent directly by the Labour Party - see written evidence 10

10. The complainant stated that he contacted Dr Allin-Khan on 9 October 2019⁶ to complain that his personal data had been transferred from the parliamentary email system to Dr Allin-Khan's non-parliamentary system without his consent. The complainant reported that he also did not receive a reply to his complaint.

11. I did not open an inquiry following receipt of the complainant's initial correspondence as the complainant had an outstanding complaint with the Information Commissioner's Office (ICO) based on the same facts.

12. The complainant contacted my office again on 10 February 2020 to share the outcome of his complaint to the ICO and to confirm that he wished to proceed with his complaint to me.⁷

13. On 24 February 2020 I wrote to Dr Allin-Khan inviting her to comment on the allegations and to address specific questions regarding her mailing, her use of the complainant's contact details, and whether she accepted the decision of the ICO.⁸

14. On 6 March 2020 Dr Allin-Khan replied and told me that she did not consider her letter of 2 November 2019 to be of a party-political nature and neither the content nor the timing of the letter could have conferred an undue benefit on her or a political party.⁹

15. Dr Allin-Khan told me that her letter was a general policy update sent to 1,624 constituents on a single issue, Brexit, about which the complainant had written to her previously. Dr Allin-Khan also highlighted that her letter did not request that the recipient vote for her or the Labour Party. Dr Allin-Khan further highlighted that had the letter been sent with the intent of gaining votes, the complainant would have been an unlikely recipient given his stated objections to remaining in the EU and his dislike of the Labour Party.

16. Dr Allin-Khan also stated that the letter had the additional purpose of informing the reader what impact the General Election would have on their representation at Parliament.

17. Dr Allin-Khan told me that she accepted the ICO's decision that by failing to respond to the complainant's complaint within 30 days she had breached the requirements of the General Data Protection Regulation (GDPR). But Dr Allin-Khan did not accept that she had breached paragraph 15 of the Code as she stated that her office had been told that:

...if a constituent had contacted an MP about an issue, the MP is within their right to keep them updated with regards to that issue. [ICO staff member] explained that the constituent, by emailing me about Brexit, has 'soft opted-in' and that the ICO would not have had an issue with that, had I responded in time to his original complaint.

18. Following Dr Allin-Khan's response, I contacted the House's Director of Customer Service and Delivery on 18 March 2020 for his advice on Dr Allin-Khan's use of House-provided stationery.¹⁰

6 Written evidence 1

7 Written evidence 2

8 Written evidence 3

9 Written evidence 4

10 Written evidence 5

19. The House's Director of Customer Service and Delivery replied on 26 June 2020 and said that he would have advised Dr Allin-Khan:¹¹

In the period leading up to a General Election, it is a time of heightened sensitivity, and correspondence you send to constituents may be being read in the context of party-political messages and emerging campaign themes. I would therefore pay particular attention to the content of unsolicited letters to constituents about specific subjects, especially those where the subject may feature in a campaign message.

In this instance your letter clearly states your position on Brexit: 'I will campaign to Remain in all circumstances' and with Labour's position on Brexit being to Remain, I would suggest the timing of sending this out in the week before the House dissolved before a General Election would be unwise.

I would advise that this letter is not sent out on House of Commons stationery or using postage paid envelopes.

20. When I invited Dr Allin-Khan's comments on the Director's advice, she acknowledged that a General Election is a time of heightened sensitivity. She also said that her letter of 2 November 2019 did not reflect the official Labour Party position and highlighted that her personal position of "remain" was different from the position outlined in the Labour Party election manifesto.¹²

21. Dr Allin-Khan reiterated that she had believed that re-stating her personal position on Brexit would be of interest to the complainant as this was a matter that he had contacted her about previously.

22. Dr Allin-Khan also said that her undated newsletter of October 2019¹³ to the complainant was "... paid for, printed and delivered by the local Labour Party and was not on the Parliamentary letterhead or in a Parliamentary envelope".¹⁴

23. Dr Allin-Khan told me that the ICO had confirmed that her correspondence to the complainant had been sent on a lawful basis as:

"Any processing of personal data including sending emails, marketing or otherwise, needs a lawful basis to do so. For example, part of Rosina's [sic] role as an MP is to carry out constituency casework. That means that she would have a lawful reason to process an individual's data, including sending emails to them, because it is part of her role.

The lawful basis for doing so would fall under the General Data Protection Regulation (GDPR) not PECR. In my opinion, it is likely that this would also be the case if she was contacting them about a matter previously raised by the constituent."

11 Written evidence 7

12 Written evidence 9

13 The newsletter does not contain a complete date

14 Further clarified by Dr Allin-Khan as having been sent using the electoral register and not her constituency database - see written evidence 10

Analysis

Dr Allin-Khan's use of House-provided stationery (letter dated 2 November 2019)

24. Paragraph 16 of the Code is clear that public resources provided to a Member are always to be used in support of parliamentary duties and must not be used to confer an undue advantage on the Member, anyone else or on a political organisation.

25. The House's rules on the acceptable use of House-provided stationery and postage-paid envelopes reinforce, at paragraph 3, that those resources can only be used in support of a Member's parliamentary functions and cannot be used to support the return of any person to public office.

26. The House's Director of Customer Service and Delivery highlights, and I agree, that Dr Allin-Khan's letter of 2 November 2019 was sent at a time of heightened sensitivity in the window between the Early Parliamentary General Election Act 2019 receiving Royal Assent on 31 October 2019 and Parliament being dissolved at midnight on 5 November 2019. I also agree with the Director's suggestion that the letter was likely to be read in the context of emerging campaign themes and that particular care was needed with issues that might feature in a campaign message. I further agree with the Director's conclusion that this letter should not have been sent on House-provided stationery and postage-paid envelopes.

27. Dr Allin-Khan's letter used public resources to highlight to a group of voters her position and record on an issue that was one of the key themes of the imminent election. This was an opportunity that her soon-to-be electoral opponents did not have and provided Dr Allin-Khan with an undue advantage.

28. The letter also contained an important personal campaign message, which distinguished Dr Allin-Khan's own position from that of the position reflected in the official Labour Party manifesto. This message should not have been sent using public resources and had the effect of seeking to support Dr Allin-Khan's return to office.

29. It is my conclusion that Dr Allin-Khan's letter breaches 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 and amounts to a breach of paragraph 16 of the Code of Conduct.

Dr Allin-Khan's use of the complainant's personal data

30. Paragraph 15 of the Code states:

Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.

31. This paragraph places a specific restriction on Members and one that is different from the legal requirements of the General Data Protection Regulation (GDPR). It is for

the ICO to determine whether or not personal data has been handled in accordance with the law. My role is to decide whether or not the House's rule on the use of data obtained in confidence as part of a Member's parliamentary activity has been followed.

32. The complainant wrote to Dr Allin-Khan, as his constituency representative in Parliament, at her parliamentary email address about a specific matter; a request to support an early General Election.¹⁵ In doing so, he provided his full personal contact details. He was entitled to expect that those details would be held securely and would not be used for another purpose without his consent. Yet his contact details were moved onto different systems and were used to send unsolicited emails from a non-parliamentary email account about an unconnected non-parliamentary petition¹⁶ and, by post, a hard copy Labour Party newsletter.¹⁷ The complainant says he did not sign up for those mailings and received no warning that his contact details would be used in this way. Those mailings cannot be said to form part of Dr Allin-Khan's parliamentary duties.

33. The complainant did not have to state specifically that he considered his contact details to be confidential information or that those details were provided in confidence. Constituents should be able to contact their local MP, in the Member's parliamentary capacity, without their contact details then being used for the distribution of unsolicited party-political mailings or other unrelated correspondence.

34. I have concluded that Dr Allin-Khan used information provided in confidence for purposes unconnected to her parliamentary duties and this amounts to a minor breach of paragraph 15 of the Code.

Comments from Dr Allin-Khan

35. On 8 September 2020 I wrote to Dr Allin-Khan to give her an opportunity to comment on a draft of this memorandum.

36. On 16 September 2020 Dr Allin-Khan replied¹⁸ with her comments on the memorandum and told me that although she was acting in good faith when sending her letter of 2 November 2019, she accepted that her letter had breached the House's stationery rules and offered to repay to the public purse the cost of the mailing.

37. Dr Allin-Khan also told me that the complainant's personal data "... was not used and has never been used for 'distribution of unsolicited party-political mailings' described". Dr Allin-Khan told me that the Labour Party newsletter of October 2019 was produced by the Labour Party and circulated using the electoral register. She said that the contact details held on her casework database were not used or shared with the Labour Party. Dr Allin-Khan also told me that the complainant's contact details had been held securely on her casework database but did not comment on how emails about a local petition concerning Brexit came to be sent to the complainant from a non-parliamentary email account.

15 The complainant reports that he did not receive a reply to his correspondence - written evidence 1

16 The petition was called "Tooting: 10,000 against Brexit" <http://www.drrosena.co.uk/brexit.html>

17 Dr Allin-Khan later clarified that this newsletter had been sent by the Labour Party by means of the electoral register - see written evidence 10

18 Written evidence 10

Conclusion

38. I have found Dr Allin-Khan to be in breach of two of the Rules of Conduct, paragraphs 15 and 16 of the Code.

39. Dr Allin-Khan was elected to Parliament on 16 June 2016. Since her election I have completed two other inquiries into her conduct. Both of those inquiries were concluded in 2018–19, by way of the rectification procedure, and concerned breaches of paragraphs 14 and 16 of the Code respectively.

40. Dr Allin-Khan's breach of paragraph 15 of the Code of Conduct cannot be concluded by way of the rectification procedure. This is also the third inquiry that I have undertaken into the conduct of the Member since she was first elected in June 2016. I am concerned that repeated breaches of the rules may indicate a lack of proper attention to the House's system of standards. It is for these reasons I am referring this memorandum to the Committee on Standards.

41. In light of Dr Allin-Khan's explanation that the hard copy Labour Party newsletter was sent directly by the Labour Party using data drawn from the electoral register, and was not informed by details taken from her constituency database, I am satisfied that mailing did not breach paragraph 15 of the Code of Conduct.

Kathryn Stone OBE

Parliamentary Commissioner for Standards

2 October 2020

Appendix 2: Written evidence from Dr Rosena Allin-Khan MP (received by email, Friday 16 October 2020)

Dear members of the Committee,

I thank you in advance for reading this.

I think the Commissioner's report provides a thorough breakdown of the events surrounding this case, I made these points to her and I would like to reiterate them to you.

The use of House of Commons Stationery:

Although I had the best intentions and did not deliberately mean to break the rules by sending those letters with regards to Brexit, I have offered to pay back the cost and would still be happy to do so. I believed at the time that because I had not asked voters to vote for me and was simply providing an update on Brexit within the context of the pending election - that this would be fine. The constituent was vehemently pro-Brexit and the letter I sent him spoke about my views on remaining in the EU, which proves that I did not send these letters to solicit votes. I do now understand that I should not have sent the letter and wholeheartedly accept the Commissioner's decision.

Misuse of data:

I want to make clear that at no time did I misuse the constituent's data, and I believe this has been misunderstood. The ICO have confirmed that, at the time, I was within my rights as an MP to contact the constituent about Brexit - because he had previously written to me on this issue. The constituent refers to two letters, one on Parliamentary stationery, which is covered in the above paragraph. The second letter he received was printed and distributed by the local Labour Party, which was sent to every household in Tooting and included a section on Brexit. It is important to know that his details were acquired by the Labour Party from the electoral register - not from my casework database.

Many thanks,

Rosena

Dr Rosena Allin-Khan MP
Labour MP for Tooting

Formal minutes

Tuesday 20 October 2020

Virtual meeting

Members present:

Chris Bryant, in the Chair

Tammy Banks	Mark Fletcher
Jane Burgess	Sir Bernard Jenkin
Andy Carter	Anne McLaughlin
Alberto Costa	Dr Arun Midha
Rita Dexter	Paul Thorogood
Chris Elmore	

Draft report (*Dr Rosena Allin-Khan*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 24 read and agreed to.

Two papers were appended to the Report.

Resolved, That the Report be the Ninth Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (8)).

Ordered, That the Chair make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

[The Committee adjourned.]

Published written evidence

The evidence listed below will be published on the Committee's website: www.parliament.uk/standards

- 1 Letter from the complainant to the Commissioner, 23 December 2019
- 2 Letter from the complainant to the Commissioner, 10 February 2020
- 3 Letter from the Commissioner to Dr Rosena Allin-Khan MP, 24 February 2020
- 4 Letter from Dr Rosena Allin-Khan MP to the Commissioner, 6 March 2020
- 5 Letter from the Commissioner to the Director of Customer Experience and Service Delivery, 18 March 2020
- 6 Letter from the Commissioner to Dr Rosena Allin-Khan MP, 18 March 2020
- 7 Letter from the Director of Customer Experience and Service Delivery to the Commissioner, 26 June 2020
- 8 Letter from the Commissioner to Dr Rosena Allin-Khan MP, 6 July 2020
- 9 Letter from Dr Rosena Allin-Khan MP to the Commissioner, 20 July 2020
- 10 Email from Dr Rosena Allin-Khan MP to the Commissioner, 16 September 2020

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page of the Committee's website](#). The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

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First Report	Kate Osamor	HC 210
Second Report	Stephen Pound	HC 209
Third Report	Greg Hands	HC 211
Fourth Report	Conor Burns	HC 212
Fifth Report	Mr Marcus Fysh	HC 213
Sixth Report	Confidentiality in the House's standards system	HC 474
Seventh Report	Sanctions in respect of the conduct of Members	HC 241
Eighth Report	David Morris	HC 771