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**Mr Shane McAteer  
Clerk of Standards  
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Stormont  
BELFAST  
BT4 3XX**

**4 April 2023**

Dear Shane

**COMMISSIONER FOR STANDARDS REPORT 202200061**

Please find attached report relating to the investigation into the complaint against Mr Tom Buchanan MLA by Mr Martin Tracey.

Yours sincerely

**Dr Melissa McCullough  
Northern Ireland Assembly Commissioner for Standards**

**Enc**



Northern Ireland  
Assembly

Report by the Assembly Commissioner for Standards on a  
complaint against Tom Buchanan MLA  
by Martin Tracey

Assembly-Confidential

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## Summary

This is a report on my investigation into a complaint made against Mr Tom Buchanan alleging he breached Rule 17 of the MLA Code of Conduct when he spoke about a live complaint to the press and disclosed a confidential letter relating to the complaint. The complainant provided evidence of Mr Buchanan having been quoted in an article in the Belfast Telegraph on 22 February about the live complaint. Further, the complainant provided evidence in the form of a confidential letter which he (the complainant) alleged was disclosed by Mr Buchanan.

Rule 17 of the Code states “You shall not disclose details in relation to such an investigation except when authorised by law or by the investigatory authority.” I found Rule 12 which states “You shall disclose confidential or protectively marked information only when you are authorised to do so” to also be engaged in this complaint.

I commenced my investigation on 27 February 2023. At Mr Buchanan’s interview on 7 March 2023, he admitted to speaking with the Belfast Telegraph journalist; he stated that whilst he understood the importance of confidentiality, he was caught off guard. Subsequent to the interview, he further confirmed to me that he had sent the letter to the DUP press office, who presumably disclosed it more widely.

After considering all of the evidence, including Mr Buchanan’s admissions, it is my view that he breached Rules 17 and 12 of the MLA Code of Conduct.

## Timeline of Investigation

23 Feb 2023	Complaint received by Commissioner
27 Feb 2021	Commissioner commenced investigation
7 March 2023	Interview with Tom Buchanan MLA
8 March 2023	Telephone call with Tom Buchanan MLA

## Complaint Background

1. I received a complaint from the complainant on 23 February 2023 alleging that Mr Buchanan MLA disclosed confidential information relating to a separate previous complaint by the complainant, and in doing so breached the MLA Code of Conduct Rule 17 which states “You shall not disclose details in relation to such an investigation except when authorised by law or by the investigatory authority.” The complainant provided evidence including an article in the Belfast Telegraph and a private and confidential letter which he alleged was disclosed by Mr Buchanan.

## Investigation

2. In the course of my investigation, I carried out the following:
  - Reviewed the complaint and evidence provided<sup>1</sup>
  - Interviewed Mr Buchanan MLA<sup>2</sup>

All documents and evidence I have relied on in reaching my decision are at Annex A.

## Allegations contained in complaint

3. The allegation is as follows:
  1. Mr Buchanan breached the confidentiality of the complaints process when he disclosed private and confidential documentation, resulting in an article in the Belfast Telegraph relating to a live complaint against Mr Buchanan in contravention of Rule 17 of the MLA Code of Conduct.

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<sup>1</sup> Documents 1-4

<sup>2</sup> Document 5

## Findings of Fact

4. I found the following facts established to the required standard of proof:
  1. Mr Buchanan MLA spoke to the Belfast Telegraph in relation to a live complaint.
  2. Mr Buchanan MLA shared a letter from the Commissioner marked “Private and Confidential”.
5. In accordance with paragraph 7.14 of the General Procedures Direction, Mr Buchanan was afforded an opportunity to challenge any of the above findings before I finalised my report and did not do so.

## Evidence

6. During my interview with Mr Buchanan, he admitted that he spoke to the Belfast Telegraph journalist about the live complaint against him. He agreed that he should not have done so. In relation to the confidential letter that was disclosed, Mr Buchanan said that he did not send it to anyone and was not aware of any of the three people in his office sending it to anyone. I explained that there were only two recipients, the Standards Clerk (who assured me that he had not disclosed the letter to anyone) and him, and therefore, it must have been disclosed by him/his office. Mr Buchanan agreed he would look into this further including any/all correspondence sent from his office. It was agreed that he would come back to me within two days to confirm.
7. I disclosed further evidence, in the form of a media query from a journalist received to my Office, which stated that the “The DUP sent your findings to me as a means to apply pressure. Is that material allowed to be shared?”<sup>3</sup>.
8. Mr Buchanan rang my Office the next morning<sup>4</sup>. He explained to me that he had checked his system and emails after our interview and confirmed that the letter in question, which was marked private and confidential, was in fact sent from his office to the DUP press office on 21<sup>st</sup> February. Mr Buchanan agreed that it is likely the press office was the source of the leak of this confidential information and took full responsibility for this breach of confidentiality; he admitted he should not have shared the letter marked “Private & Confidential” with anyone, including the press office.

## Reasoned Decision

9. Confidentiality is of vital importance to the Office of the Commissioner for Standards and for all of those involved in the complaints process. It is as important to the person raising a complaint as it is for the person against whom an allegation of any sort has been made. Accordingly, there are two

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<sup>3</sup> Document 7

<sup>4</sup> Document 6

separate rules within the Code requiring Members to maintain confidentiality throughout the complaints process.

10. Mr Buchanan confirmed that he spoke to the Belfast Telegraph journalist; this is also apparent from the quotes attributed to Mr Buchanan in the Belfast Telegraph 22 February 2023 article. Mr Buchanan explained that he had a number of missed calls and when he returned the call, it was a journalist from the Belfast Telegraph. During that call he said he was caught off guard and whilst initially he was not intending to make comment, he then did so after some questioning by the journalist.
11. Mr Buchanan confirmed that it was his Office that disclosed the confidential letter to the DUP press office on 21 February 2023. He never imagined that the letter would have been shared beyond the press office. However, Mr Buchanan takes full responsibility and realises he should not have shared the letter with anyone as it was private and confidential and marked as such. Mr Buchanan asserts that he did not remove the 'Private & Confidential' marking on the letter. However, the marking was removed at some point after it left Mr Buchanan's office as the letter received in evidence from the complainant had no such marking.
12. Mr Buchanan was very clear during his interview with me that he understood the importance of confidentiality in general, for example, within his constituency office. It is my view that Mr Buchanan knew or ought to have known that speaking to the press about a live complaint and sharing a letter marked 'Private and Confidential' was inappropriate and a breach of the Code.
13. Both of these actions are in contravention of Rule 17 and also Rule 12 of the MLA Code of Conduct.

### **Observations**

14. Mr Buchanan was cooperative with my investigation and came back to me as promised following our interview. I found him to be honest and open throughout my investigation.
15. In relation to the Office of the Commissioner for Standards, confidentiality is extremely important. It is my view that treating breaches of confidentiality seriously helps to prevent abuses of the complaints process and any harm that may arise from such abuse.

### **Report Conclusions**

16. I am satisfied on the basis of my analysis of the facts and evidence that, on the balance of probabilities, Mr Buchanan's actions were in breach of Rule 17 and 12 of the MLA Code of Conduct.

**Annex A**

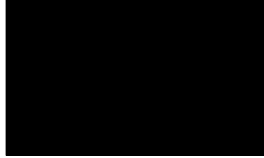
Document	Description
1	Complaint
2	Complaint (Supporting Evidence): Belfast Telegraph article
3	Complaint (Supporting Evidence): Letter in circulation
4	Commissioner's original letter sent to Tom Buchanan MLA
5	Interview transcript Tom Buchanan MLA 7 March 2023
6	Telephone note 8 March 2023
7	Media Query (evidence)

## Document 1: Complaint

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**Complaint number:** 202200061

**Complainant:** Mr Martin Tracey



**Date of complaint:** 23 February 2023

**Complaint against:** Mr Thomas Buchanan MLA

**Code of Conduct:** MLA

**Complaint:**

I like to make an official complaint against Mr Tom Buchanan ' The code of conduct and the guide to the Rules as amendment on 23rd March 2021' specifically to rule 17, please find attached screenshots of what I have referenced to.

In supporting evidence, I have attached a head line from the online Belfast Telegraph yesterday and it states clearly you the commissioner's option on my complaint. So, either it sent to the Belfast Telegraph by you, your office, Mr Buchanan or someone on Mr Buchanan behalf within the DUP which would be a clear breach of the above Rule 17 as stated above.

The only other possible conclusion that I can think of is that your authorised Mr Buchanan to disclose that information prematurely which would be very questionable. As you would not have given me the opportunity to seek legal advice or/and appeal your decision!

So, to make a long story short, I would like to make a formal complaint against Mr Thomas Buchanan MLA for the reasons stated above.

I may be able also to a copy of the letter which was forwarded by the DUP to a number of individuals when the Complaint was first highlighted by the media.

Regards

Martin Tracey

**Rule(s):**

Rule 17. You shall not disclose details in relation to such an investigation except when authorised by law or by the investigatory authority.



Document 2: Complaint Supporting Evidence: Belfast Telegraph Article 22 February 2023



DUP MLA Tom Buchanan

**Garrett Hargan**

Belfast Telegraph

Wed 22 Feb 2023 at 06:00



The Assembly's Standards Commissioner has rejected a complaint alleging that an MLA is inappropriately lobbying on behalf of a gold mining company.

Questions had been raised about DUP MLA Tom Buchanan contacting the independent Planning Appeals Commission (PAC) on behalf of Dalradian gold mining company.

A planning application will be the subject of a public inquiry and is before the PAC for consideration.

It emerged today that the complaint has been dismissed.

Dalradian has been working in Tyrone since late 2009, under prospecting licenses issued by the Department for the Economy.

The company has argued the mine will bring economic benefits, claiming the mountains could contain £3bn in gold and provide a £750m boost to the region's economy.

However, their plans have been strongly opposed by the local community.

[tps://www.belfasttelegraph.co.uk/news/northern-ireland/complaint...lobbied-on-behalf-of-gold-mining-company-rejected/1437091766.html](https://www.belfasttelegraph.co.uk/news/northern-ireland/complaint...lobbied-on-behalf-of-gold-mining-company-rejected/1437091766.html)

Page 1 of 3

Around 48,000 representations have been submitted to the Department for Infrastructure.

Information obtained under the Freedom of Information (FoI) Act, and seen by the Belfast Telegraph, shows communications from Mr Buchanan that span from February 2022 to January 2023.

The PAC makes clear that when it is in receipt of all relevant papers, arrangements will be made for a public inquiry “in line with the resources we have available” at the earliest opportunity.

Mr Buchanan said whatever the speculation is, it is “unfounded”, adding “I treat every constituent the same, business or not business”.

“I have nothing to hide on this particular issue and if anybody wants to do an investigation they’re open and free to do so,” he said.

Privacy

On July 8, 2022, Mr Buchanan told the PAC that former Infrastructure Minister Nichola Mallon had referred the Dalradian planning application 12 months ago and asked why there was still no timetable for a public inquiry.

The west Tyrone MLA added that he was unaware of any application that had taken so long to get from referral to publication of a public inquiry timetable.

He wrote: “Dalradian has made huge investments in the local area with particular focus on community based groups.

“They have shown great patience over the last year and I feel it is incumbent upon the Planning Appeals Commission to, at least, publish a timeline for the public inquiry, as a matter of courtesy to the applicant.”

On September 16, 2022, Mr Buchanan described Dalradian as a company with a “bright future in west Tyrone” adding that delays were putting that in “jeopardy”.

On October 10, the DUP MLA insisted on meeting with a senior member of the PAC saying the “patience of the applicant has been stretched to the limit”.

PAC turned down that request telling Mr Buchanan it would “undermine our independence”.

The inquiry, the PAC stressed a number of times, must be “balanced with the delivery of our LDP (Local Development Plan) programme and our appeal workload.”

It is clear from correspondence that the PAC feels it does not have the resources to deal with the inquiry, explaining that with almost 48,000 representations it is “one of the largest pieces of work the Commission will have dealt with”.

The PAC referred to discussions with its sponsor body — the Northern Ireland Courts & Tribunals Service (NICTS) — “regarding resources”.

At the end of 2021/22 the PAC had 338 appeals in hand, a jump from 201 the year before.

In his emails, Mr Buchanan also raises concerns about “fraudulent letters” with the names of 12 and 14-year-old school pupils included as objectors.

He suggested the issue should be reported to the PSNI for a full investigation.

Environmental campaigner Ciaran McClean opposes industrial mining in Tyrone.

He said: “The Planning Appeals Commission is independent from those who feel entitled to special treatment, as such, it needs to be allowed get on with its extensive programme of work without interference.”

Mr McClean continued: “Almost 50,000 citizens have objected to industrial mining in the Sperrins, a proposal with the potential to destroy fresh water systems, clean air and fertile soil, as well as decimating a vibrant tourism industry that sustains so many jobs.

“The west of the province is wild because of its natural beauty, it’s politics need not be likewise.”

Writing to the Assembly Standards Commissioner, a concerned member of the public claimed Mr Buchanan is “using his position as an elected representative to try and pressure/lobby the PAC” to expedite a public inquiry.

The PAC said it is not its place to “advise, direct or legislate” for the actions of public representatives or third parties.

“The Planning Appeals Commission is a wholly independent appellant body established under statute and operates on the basis of openness, fairness and impartiality,” a spokesperson explained.

“It is open to interested parties to contact the Planning Appeals Commission to seek information regarding the progress of an appeal or inquiry and of course the Commission will endeavour to respond to all such correspondence.”

In a letter yesterday, Dr Melissa McCullough, the Assembly Commissioner for Standards, concluded that the “complaint was not admissible”.

Asked whether he’s supportive of the Dalradian application, Mr Buchanan said planning applications should be dealt with in “an efficient and

an effective manner" without delays running into years.

"That applies to all planning applications whether it's for a farm business or a different type of business or private homeowner or whatever it's for and I deal with quite a lot of planning applications for businesses and for private houses.

"My work is to seek and ensure those planning applications are dealt with in an efficient manner and these people are not kept hanging on for years with no determination on the application.

"That's for farmers as well as for businesses, so, it's not that there's interest within any particular business, let it be farm business or any other business, it's a fact the planning system seems to be clogged and very slow to move.

"And therefore, that's what my work is when it comes to dealing with planning applications that's, if you like, stuck in the system."

The DUP did not respond to a request for comment.

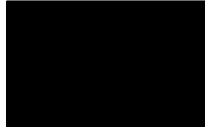


Document 3: Complaint Supporting Evidence: Letter in circulation



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Mr Shane McAteer  
Standards & Privileges Committee



21 February 2023

Case ID: 202200058

Dear Shane

**Complaint by Martin Tracey against Mr Thomas Buchanan MLA**

In accordance with paragraph 3.14 of the General Procedures Direction I now refer the above complaint to the Committee for further consideration.

In my letter of 20<sup>th</sup> February 2023, I notified the complainant of my decision that his complaint was not admissible. On 20<sup>th</sup> February 2023 I received the enclosed response. Nothing in it has given me reason to change my original decision.

I am copying this letter to Mr Thomas Buchanan MLA

Yours sincerely



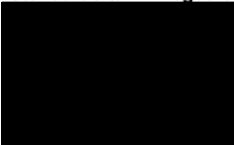
Dr Melissa McCullough  
Northern Ireland Assembly Commissioner for Standards

Document 4: Original Letter sent to Mr Buchanan MLA from the Commissioner



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Mr Shane McAteer  
Standards & Privileges Committee



21 February 2023

Case ID: 202200058

Dear Shane

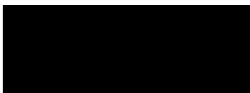
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I am copying this letter to Mr Thomas Buchanan MLA

Yours sincerely



Dr Melissa McCullough  
Northern Ireland Assembly Commissioner for Standards

**PRIVATE AND CONFIDENTIAL**

Document 5: Interview Transcript Tom Buchanan MLA 7 March 2023

202200061

Interview transcript: Tom Buchanan MLA

7 March 2023

**CfS:** This interview is being tape recorded. I am Melissa McCullough, the Northern Ireland Assembly Commissioner for Standards. The other person present is John Devitt, a second interviewer. We're interviewing via Zoom. The date's 7<sup>th</sup> March and the time is 10:02. I'm interviewing Mr Tom Buchanan MLA. Mr Buchanan, I'm going to now ask you to take this oath and there will be a few times in this where I'm going to share screen, and I hope you can bear with me. If you could take this oath out loud. Due to the platform we're on virtually, there's no Bible involved but it's the same as, so if you could say this out loud for the recording.

**TB:** Okay. I do solemnly sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

**CfS:** Thank you very much. If for any reason the technology should fail any of us, can I ask that we each just wait for the other to reconnect if that should happen. It hasn't happened to date so hopefully it won't. I'm going to go through some background to this for reasons of the investigation and so we're all on the same page. The matters I'm investigating relate to a complaint received of a breach, or alleged breach of the MLA code of conduct rule 17 which states, 'You shall not disclose details in relation to such an investigation, except when authorised by law or by the investigatory authority,' and that also engages, as I've stated to you on a letter inviting you to this interview, that rule 12 which says, 'You shall disclose confidential or protectively marked information only when you are authorised to do so.' So, the background is that on 14<sup>th</sup> February, I received a complaint from Mr Martin Tracey alleging that you broke the code of conduct when you lobbied the Planning Appeals Committee in relation to an enquiry into Dalradian Gold mining decision. The complainant provided evidence obtained via a Freedom of Information Request. After considering his complaint, I wrote to Mr Tracey on 20<sup>th</sup> February at approximately 16:20 informing him that the complaint was inadmissible and I outlined my reasons for that decision. In that letter, I also outlined that he had 14 days to appeal my decision. Now a copy of this outcome letter was sent to you and to the clerk, to the Committee on Standards and Privileges, and that was at the same time on 20<sup>th</sup> February. The letters were marked private and confidential as all of my correspondence is. On the same day, 20<sup>th</sup> February at 17:18, I received an email from Mr Tracey asking for my decision to be referred to the Committee, so he was appealing my decision of inadmissibility. On 21<sup>st</sup> February at 08:09, I sent the clerk a referral letter and sent you a copy of that letter at 08:11. Under the general procedures, Mr Tracey does not receive this letter. So, to be clear, you and the clerk were the only people in receipt of this referral letter. Again, the letter was marked private and confidential. On 22<sup>nd</sup> February at 6:00, the *Belfast Telegraph* ran a story relating to the inadmissibility of this complaint. On that same day, I received an email from Mr Tracey who was very annoyed that this information was disclosed to the *Belfast Telegraph*. The next day on 23<sup>rd</sup> February, Mr Tracey lodged a complaint alleging that you breached the code's rule 17 which says, 'You shall not disclose details in relation to such an investigation except when authorised by

law or by the investigatory authority.' You received a copy of this complaint on 23<sup>rd</sup> February. In it, Mr Tracey states that he may have a copy of the letter 'which was forwarded by the DUP to a number of individuals when the complaint was first highlighted by the media.' Now a few hours later, the complainant did send me a copy of that letter which he states was the letter that was circulated to the *Belfast Telegraph* and others by the DUP, namely you. So, I just want to first ask you a few questions, if that's okay.

I'm going to share the screen because I want to make sure, and ask you if you have seen the article that he refers to. This article - that's just the headline - have you read that article and seen that article?

TB: Yes. I saw that.

CfS: Okay. What do you know about it?

TB: As far as this article is concerned, I know very little about the article. In fact, I saw that there, but I haven't seen what the *Belfast Telegraph* actually wrote about me in that particular article. What I want to say to you is this; before I got word from you initially that there was a complaint against me about, supposedly, this lobbying on behalf of the goldmine, I got a call from the press office that was under my party maybe two days prior to - two, three days maybe - prior to getting a letter from you asking me, was I in some type of problems that was being looked into by the commissioner, and I said I don't know. I didn't know at that time because I wasn't aware of anything until the email come through from you about this, so I said, 'I can't answer that because I don't know.' So, therefore, there was something somewhere prior to that. I got the letter through from you, I made contact with the individual from the press office and said, 'Yes, there is, I've seen this through now, it has come through to me that there is a complaint in about me supposedly lobbying on behalf of the goldmine.'

I said, 'Look, I'm happy to stand on the record on this particular issue and meet with anybody or speak with anybody on this particular issue.' So that was that. When it comes to the *Belfast Telegraph*, it was actually in fact, I asked him where he got this information out of, that there was going to be an investigation into me, if you like, and he said that they had the *Belfast Telegraph* on to them, that there was something, going to be some investigation going on into me. Fair enough, that's where they were alerted to it. What they did, and the press office didn't make no comment whatsoever on, and they assured me, we're making no comment on this whatsoever. So, then, I got a call then from someone within the *Belfast Telegraph* about this. I said, 'I'm not really prepared to make any comment on this,' and then what he said was about the whole lobbying aspect, so then I did make a comment to say that I refuted the fact that I was lobbying on behalf of the goldmine and that all I was looking for was to just make sure that the planning process for all businesses - because I deal with quite a number of planning applications for businesses and for farmers and all of that, that's delayed in the process.

I denied the fact that I was lobbying on behalf of one individual company, but what I was doing was I was seeking to try and get the process to speed up, to move forward a number of applications that was there, that was in the system. So that was really the crux of my conversation with the *Belfast Telegraph*. Now the article was apparently carried the next day. I didn't see it, but I saw this bit here because it came up on the screen, that's the only bit that I saw. It was then maybe a day or maybe two days later that the *Belfast Telegraph* then, as I understand it, carried another very short article to say that there was no case, the commissioner had been looking into this and there was no case to answer. Where that information come out of, I don't know. That information didn't come from me. So where that information come out of, I can't answer that because I don't know.

CfS: Okay. Do you know Garrett Hargan who wrote that article? Have you spoken with Garrett Hargan?



- TB: No. I was going to speak with him prior to this meeting to ask him where he got that information from, and I didn't because I was afraid it might jeopardise this particular meeting if I had come to this meeting and said, 'Well, I spoke with this individual and I asked him where he got the information out of.' I didn't do that.
- CfS: **That was smart because it is private and confidential. I wouldn't be speaking to the media about it, so that was good.**
- TB: I didn't do that.
- CfS: **You say you spoke, a day before this article came out, you spoke to someone at the *Belfast Telegraph*; was that Garrett Hargan?**
- TB: Yes.
- CfS: **Okay, so you know him, you've spoken to him.**
- TB: I don't no - he had rang me. My phone had rang all day, it was three or four different times, there was a missed number on, missed call, so what I did was I returned that call, it happened to be Garrett Hargan, and he said that the *Telegraph* were running this article with regards to an investigation going into me, and I said, 'Well, really? I don't have much comment to make on this,' and then he talked about the lobbying aspect of it and that's when I said, no, that's incorrect, that is not right because I just work for all businesses the same, whether it's a farm business, whether it's a goldmine, whether it's some other business, it's all the same, where a planning application has been held in the system. I did say to him is you go back to the Assembly, whenever the Assembly were sitting, you'll see on a number of occasions, or a few occasions anyway, maybe three or four, I don't know off the top of my head, but a number of occasions, whenever I questioned the minister on the fact as to when she was going to make the announcement for this hearing, for this public inquiry to take place.
- In fact, I wasn't the only MLA on that. There was other MLAs did the same thing, just inquiring about when this was going to be brought forward because of the backlog of planning applications that were sitting in the system. So far as this is concerned, I don't know where that information come from, because it didn't come from me and it's something that I never said and nothing's been put out from - I mean, that stuff comes in an email to my office, that stays there, and everything with regards to me or with regards to any constituency work that I do is confidential. I can tell you this, it's that confidential, my own wife doesn't even know of anything that goes on in this office and sometimes she'd say to me, 'You're doing a wee bit of work for so-and-so,' and that's because they would have been talking to her and they'd have been saying, 'Well, I was in with Tom and he's doing such and such for me,' and I would say, 'Yes, that's right.' That's the only thing that... Even the staff can bear witness to the fact that so far as anything is in this office, it's completely confidential, and I'm at a loss to know where this information come out of that this information with the *Belfast Telegraph*, that I was being investigated and that the commissioner had said there was no case to answer.
- I suppose there's another thing to this; the *Tyrone Herald* rang me. The local paper. They were running an article about it. Again, there was all these accusations that was in it. So, again, I did speak to them and I said to them exactly the same thing, I wasn't lobbying on behalf of the goldmine, but it was just on behalf of a number of cases on planning and I was seeking to move it through the process, whether that's through the NIEA, whether that's through the Planning Appeals Committee or whatever, to try and get the process moving forward, to get these out of the way. That article can be looked at and there's nowhere in that article whatsoever that there's anything about the commissioner looking at this case and saying there's no case to answer; nothing whatsoever. That article is there to be seen. You'll be able to access that article there. I'm at a loss about the *Belfast Telegraph*, and even to think that there was one of my press officers



within the party who two or three days prior to getting your letter was able to say to me, 'What are you being investigated about?'

**CfS:** What you're saying to me, am I right, firstly you're saying that you have confirmed with people about... No. What you're saying is that you believe that the *Belfast Telegraph* was made aware that there was something going on in terms of an investigation into this lobbying issue...

**TB:** Prior to me knowing.

**CfS:** Prior to you even knowing.

**TB:** Prior to me getting your email. Now it could have been two days. It was at least two days prior to that, that I had got a phone call to say about this.

**CfS:** Well, then, that...

**TB:** I thought they had picked this up somewhere from the Assembly website or something. I wasn't aware of where did they get this information, so I asked him, the *Belfast Telegraph*.

**CfS:** Well, if that is the case, I will look into that, but that would still be prior to me receiving any complaint. Now anything prior to receiving a complaint is - you can't control whether that's kept private and confidential, correct? I sent you the complaint when I got the complaint. I'm very thorough about getting it out when I get it, so that tells me that there were people - maybe related to the complaint, maybe not - speaking to the *Telegraph* about either putting in a complaint or being upset that you were lobbying in their view. What I'm saying is, I don't know the full facts of that, of course, but if someone has not put in a complaint yet, then I can't control whether they say something or not.

**TB:** Yes. How long was the complaint with you before I got word of it?

**CfS:** Same day.

**TB:** The same day?

**CfS:** Yes, that's what I'm saying to you.

**TB:** Yes, it was at least two days prior to me getting your email, in the sense I got your email on a Tuesday from recollection, and it was whenever I came back down to the office that I saw the complaint, but it was at least a day, two days I would say before that.

**CfS:** I'm wrong. I'm going to correct the record, Tom. I'm wrong, because what had happened, I received the complaint on 14<sup>th</sup> February. [Pause] What date did you receive the copy of that complaint? Let me check because I'm going to go right into my...

**TB:** I received it on a Tuesday as far as I know.

**CfS:** Yes, I think that was Valentine's Day. That was the same day. Apologies. You would have received it the same day.

**TB:** Right, okay.

- CfS That's correct. There's just been a lot of to-ing and fro-ing here. Okay, so you don't know then if any... You're saying that you contributed to the article by talking to Mr Garrett Hargan...
- TB Yes.
- CfS Okay. Now you realise though, Tom, talking to him about a complaint that's live is inappropriate, correct?
- TB Yes, because I'd said to him that I didn't wish to comment on this, and then he talked about that I had been lobbying this, and that's when I said no, I hadn't. I refuted that, that I was lobbying anything. I suppose looking in hindsight, looking back on it, and you're saying that it was while that was live, yes, I suppose looking in hindsight, yes, there is a thing there, yes. I have to confess it.
- CfS Yes, and thank you, because I understand it's difficult sometimes when you're being pressurised and someone's making accusations and all of that, but when it's a live case, that becomes... But I thank you for your honesty there. I suppose what I want to try to shed a little bit more light on is, aside from the fact that we've now established that you shouldn't have spoken to them because it was a live case, but I wanted to show you here, what I'm sharing - I have to put my glasses on to see what I'm sharing. This is the complaint that you have today about breaching that confidentiality, and I just wanted to make sure we're talking about this complaint which is the breaching of the confidentiality. This is a separate complaint to the one that's now been referred about the lobbying, you see what I'm saying? This one about the confidentiality which we're talking about today was the one you had been sent, and this is Mr Tracey saying, now I'm complaining that he breached confidence. So we just spoke that through.  
But the letter, he says in that, he says that the letter received was this one. Now the letter he received was the referral letter, so he's saying the *Belfast Telegraph* had the letter that I sent to the Clerk saying that I notified the complainant of my decision and he wishes it to be appealed, basically. So when he sent me the letter, the letter he sent me is on the right, and I don't know if you can see any difference in those two letters; I see it right away. [Pause] Can you see where private and confidential is cut off the bottom?
- TB Yes.
- CfS So the letter on the right, Tom, was the letter that Mr Tracey sent me. He would never have received it. Only you and the clerk received that letter. So that's the procedure. The procedure is the complainant doesn't get the referral letter. I let the complainant know in a reply email, I will be referring this to the Committee today, when they asked for the referral. So you and Shane McAteer were the only ones receiving this. I have confirmed with Mr McAteer that he did not disclose this to the *Belfast Telegraph*, so we can - after 20 years of working in the Assembly, I am not questioning his integrity in terms of leaking things to the press, but I have asked him anyway, to be sure to be sure, and he has not. So the only person, or people, would be either you or someone who has access to your emails, would have sent this to Garrett Hargan or the *Belfast Telegraph* office or whoever the contact was, I'm assuming it was Garrett Hargan. Can you see what this is? I don't know how else this letter could have gotten to circulation.
- TB Well, I can assure you, and I'm open to have my system checked, and I can assure you as I sit here today that this article was not sent to the *Belfast Telegraph* from our office.
- CfS Was it sent to anybody? Because I think what Mr Tracey is saying is that it was sent to journalists and other people.

TB No.

**CfS So was it sent to anybody that you're aware of?**

TB Not that I'm aware of. Certainly not. The *Belfast Telegraph* is a paper that I have nothing - the only papers that I have any dealings with or do anything with is the *Tyrone Constitution*, and at a very odd time, the *Ulster Herald* whenever they get on to me about something that's coming up. Even doing that, there's never - no emails are sent to them, and the fact of saying emails sent to them, there's never no emails sent and the fact that you're sending something else with it on this, there's a photograph to do or something that you're involved in, in a constituency capacity where you're doing, for example, a press statement, that's the only thing. I see this here where you are. The one on my right where it doesn't have private and confidential on it, where did that originate? Who did that come from?

**CfS That came in from the complainant. In his complaint, he says - and I'll just read this, he says, "I may be able to get a copy of the letter which was forwarded by the DUP to a number of individuals." He doesn't say the media. A number of individuals when the complaint was first highlighted by the media. So this letter was sent to a number of individuals. Now it's interesting though to me, because first of all, it's very upsetting to me that private and confidential would be taken off the letter; that's the first thing. Second, that it would even be circulated in the first place is against the code. Thirdly, I think the fact that it basically says on it, this is a referral, which means that it's live. Let's assume, because I mean, it's an inference that I'm drawing, but it's a very, very strong inference. If Shane didn't send it and the only other person I sent this letter to was you, I'm assuming somebody, if not you, somebody within the DUP office or somewhere has sent this letter to individuals. Now I don't know yet who those individuals are, but we do know that it's made the papers. They refer to this in the papers that I've dismissed this complaint.**

**When I got this letter, I really thought the letter he was referring to would be my letter of inadmissibility, which you recall had every reason why I dismissed the complaint. It wasn't that letter, which makes it even more strange because only two people got this letter. So I will say that's very concerning to me, that this letter would be circulated and have the private and confidential removed and it's a live case. So you can understand, this office only works if things are private and confidential or else people like you, MLAs in general, could be accused of something worse than breaching confidentiality, etc., like sexual harassment, and that's thrown over the papers. Your reputation is what you've got, so this is why privacy and confidentiality is extremely important, and this is why I take this very serious because no letter from my office should be circulated. That's the way I feel. I feel very strongly in defence of you and other MLAs, and also in defence of the public. This is the only way this office can be a workable office.**

TB What I have to say to you today is this, that I don't know, but what I will do is I'll have to obviously look at that within my own system to see. What I can assure you of today is this, that no letter went from here to the *Belfast Telegraph* or to any media outlet, and no letter, as far as I'm aware as I am speaking to you today, went anywhere else, but I'll look at that.

**CfS Can you please look into that?**

TB I will.

**CfS I would like to get to the bottom of it because even if it was somebody in your office, you'll understand that the Code of Conduct requires that you, unless there's a reasonable**

**excuse that somebody in your staff has sent this out, say unbeknownst to you - I don't know how. Even then, you have to be clear that they're following the code in this respect.**

TB Yes, absolutely. I said to you earlier here that as far as confidentiality in this office goes, confidentiality is the key to the success of my work within this office, it really is, and I think anyone that's working here or anyone that gets worked on here knows that, and that's why we're as busy as we are, I believe because of the confidential nature of all of the stuff that comes through to this office.

**CfS So you understand the importance.**

TB This here is where - and I can't give you an answer to that.

**CfS Well, I appreciate if you can look into that. I mean, I may have to - I'm investigating this now and I want to get to the bottom of this. I can give you a few days to try to figure out where this may have come from if you can get back to me. Other than that, I'll have to come and interview staff and I mean, it's a lot of public money that we don't need to spend. My time, it's stupid to do that, if you can find out.**

TB I will. I assure you, I will.

**CfS Can I just also share with you - now this is the final slide, but I want to share this with you because it's important that you understand that this came to my office. Now in the midst of this complaint, I also was receiving to my office, and you may or may not be aware that I am the office, I don't have staff! [Laughs] So I can confirm that I received these media queries from Garrett Hargan and my line... Now, this, what I would suggest you would give under anybody contacting you is that, 'I'm not able to talk about anything due to confidentiality.' That's all I send back ever. So I received one immediate list of questions, he got that response, So, then, he sent a follow-up email with queries. This was on 26<sup>th</sup> February. As you'll see, it says, 'As a follow up to this, should the DUP and Mr Buchanan have the findings of your assessment in their possession before the process had concluded?' Again, that just shows he doesn't understand the process; that's okay, he's a journalist, he shouldn't.**

**He then goes on to say, 'The DUP sent your findings to me as a means to apply pressure. Is that material allowed to be shared?' So I'm sharing this with you because it's confirmation by Mr Garrett Hargan that the DUP sent those to him, or sent that letter, at least that letter. That's what I have proof of, that letter. What I'm asking you to do is, if you can confirm to me who it was. Now this is an investigation. This is me saying, we already know that you did speak when you shouldn't have, but I think it's very important to find out who and what and when this was sent and who removed the private and confidential markings. That's the main thing. Now according to Mr Garrett, he received it from the DUP. I have not gone back to Mr Garrett because to tell you the truth, I don't get involved with the press because it's against what I believe is right, and this is a live case as well. Having said that, this is confirmation from him, if you like. I hope we can agree today that I'll hear back from you within 48 hours, that you can explain to me how this happened.**

**Look, this is an investigation so we already know there's been a breach at a level where you've spoken about it to the press, so it's again, me trying to find out and be assured that whoever did this won't do this again.**

TB Yes, I'll look at that for you. You have my word on that. I'll look at that for you and I'll get back to you as soon as I can, and you're saying within 48 hours, not a problem. That is absolutely right, we'll do that. If I find nothing, I'll tell you; if I find anything, I'll tell you, whatever it is.

- CfS** I haven't interviewed Garrett Hargan, but I will try - if I can't get to the bottom of it through you disclosing what you know, then I will have to keep going because it is an open investigation which requires me to finish off the investigation, if you follow me.
- TB** Yes. That's okay. That's not a problem. You have my word, you'll get this. I'm not here to hide anything and I never have, and I'm quite happy to be open and frank about everything and set it all out on the table before you, and I've done that this morning as to what I'm aware of at this moment in time.
- CfS** Yes, and it may be that you find things out that you weren't aware of and I accept that that's possible. So that's what we'll do. We'll go along at this route for the next few days and see what happens. I want to ask John if I've missed anything; John, before we close the interview, is there anything I haven't picked up on there?
- JD** I just want to recap, Mr Buchanan, that I understand your understanding of the process. You were aware on 14<sup>th</sup> February that there was a complaint in against you, and then the timing and the sequence of events thereafter is important to this investigation because you've shared with us the fact that you've had communication with both the local paper, the *Tyrone Herald*, and the *Belfast Telegraph*. So it's important for you, and for us, to understand the timing and sequencing of events. Did the *Tyrone Herald* contact you before the *Telegraph*, or was it the other way around?
- TB** Oh, no. It was after.
- JD** So the *Tyrone Herald* contacted you after the article in the *Belfast Telegraph*?
- TB** Yes.
- JD** Can I clarify that when you were notified of the complaint, who else in your office was aware of that fact?
- TB** My staff would have been aware of it because they see all the - obviously, they're dealing with all the stuff that comes in and the emails.
- JD** Yes, so my question then to qualify that is, how many staff do you have and what are their respective roles?
- TB** I have three members of staff; one is an office manager, and the other two are case workers and research.
- JD** Who would be responsible generally for opening emails addressed directly to you?
- TB** Well, I mean, the emails are there for - they all see them. It's not that there's some emails that only some of them open and some emails some of the rest of them open. They're all there in a sense.
- JD** What I'm trying to eliminate is, is there somebody that would not have opened these emails or are all emails opened by whoever just happens to be in the office?
- TB** Yes.
- JD** You said to us that you had an inquiry from the DUP press office. Explain to me what you mean by the DUP press office.

TB I said that I had a call from a member of the press office within the DUP - member of staff or senior member of the DUP press office.

**JD Who would that be?**

TB What they done was they rang me and asked me, was I in problems with the commissioner because there was an investigation going. I said nothing about it. That's one of the members, one of the senior members within the press office.

**JD Do you know the identity of that person you spoke with?**

TB I do.

**JD Can you share that with us please?**

TB Well, I would rather not at this moment in time, but I can, if you wish, the person that spoke to me was [REDACTED]

**JD Is he normally your contact within the press office?**

TB Normally, if there's... For example, if there's something that is more of a wide party issue and there's something - for example, if something happens in the area and there's more of a wider press issue to deal with, [REDACTED] normally the person that we would ring to do this for us.

**JD Can I just clarify for my own knowledge and understanding, when you as an MLA get a complaint, is it a policy, a practice that you notify the press office or not?**

TB When I get a complaint about what?

**JD About anything. From the commissioner's office.**

TB No. I never contact - the only thing that I contact the press office about, and that's really what they're there for, is if something comes up or something arises in the area or whatever and we want a bit of advice or a bit of guidance from a party standpoint as to how we move forward in it, or if we want a bit of guidance from a party standpoint about how we would portray that within the press. For example, I'll take what happened in Omagh a couple of weeks ago when there was an attempted murder of an officer. Well, then we're in contact with the press office on those occasions. It's things like that there, if you understand that we'd be in contact, but when it comes to more local issues and localised issues, that doesn't have to do that.

**JD So you have no knowledge of how [REDACTED] was aware that you were subject of a commissioner's complaint?**

TB I do. I do, because what I said earlier was that I got a phone call to say that - and this was about two days before I received that letter from the commissioner - to ask me, was I in some problems with the commissioner, that there was an investigation going into me. I said I know nothing about it, and then it was maybe two days later that I received that letter, and when I received that letter then - I'm going to be upfront with you, when I received that letter, I phoned [REDACTED] and I said, [REDACTED], you were on to me and I said I didn't know nothing about it, but I have received a letter to say that there is a complaint against me,' and that was it left at that. That was all it was.

**JD Just for my clarity...**

- TB That's what happened, but I knew nothing about it until, as I'm saying to you, I received this letter about two days later.
- JD **The letter that you received on 21<sup>st</sup> February was from the commissioner.**
- TB Yes. As I say, I was in Stormont that day and I come down the road and I come into the office about maybe, say for example, three o'clock, maybe after, and then that's when I saw that this was through, this complaint had come through from the commissioner.
- CfS **John, that letter you're referring to, that was a week later. He's referring to 14<sup>th</sup> February which was when he received, and I received, the complaint. In other words, the letter he's referring to on the 14<sup>th</sup>, on the Tuesday, that he was in Stormont, was the letter that outlined that he had a complaint against him. At the same time I received the complaint, he got a copy, the clerk got a copy. So I think what you're referring to is the 21<sup>st</sup> which would be the referral letter which was the day that I referred, on behalf of Mr Tracey, to the clerk with a copy to Mr Buchanan.**
- JD **Yes, that's correct. I suppose I'm looking at the timeline from 14<sup>th</sup> February all the way through to the article being published in the *Telegraph* and your communication with the press office, Garrett at the *Belfast Telegraph*, because the sequence of events is critically important and you will obviously be able to, from your phone, give us a time and date when you spoke to the press office or they spoke to you.**
- TB Within the party?
- JD **Yes.**
- TB Okay, yes. The 24<sup>th</sup> February... [Pause] The very first letter that I received from the commissioner to say there was a complaint against me, it was prior to that letter, making me aware that there was a complaint against me, that I had got a call from the press office or from [REDACTED]
- JD **So that was prior to 14<sup>th</sup> February?**
- TB It was prior to the first letter that I received. This is prior to the very first letter that I received, because when I received the call from him, I did not know that there was a complaint against me until two days later on that Tuesday or whatever that I received this call.
- JD **Okay. I understand now, that's very clear. So from the 14<sup>th</sup> then until the 21<sup>st</sup>, what was the communication with anybody?**
- TB None. There was no communication with anyone from that until... Well, what I did say to you was, see whenever then I had got the complaint and that first letter that come through on the 14<sup>th</sup> to say there was a complaint against me, I did speak to [REDACTED] and I said to [REDACTED] 'Look, you asked me was there a complaint against me, and I told you there wasn't or I didn't know, I can confirm there is.' So that was just to confirm that there was what he had asked me, and I asked him at that time how did he know, because I hadn't known until I got this letter, and he said it was the *Belfast Telegraph* had been on to the press office and they didn't make no comment, and that was it. Then the next conversation, if you like, with regards to that was whenever Mr Hargan contacted me. Now I have that on my phone, hold on one moment, because he had rang me three or four times that day and it was a missed call and I didn't know the number, so what I did is I rang back and here he was on the phone. Took me completely unawares, if you like, in a sense. I



said, I'm not commenting on this, and then he pressed the issue that I was lobbying, and I denied that.

I simply said that it's the same with, should it be a farmer, should it be somebody else with a planning application, to get the thing moved forward, and that's really what it was about. Let me see now if I can get this. [Pause] Yes, this is what he said, he said, 'I've been ringing,' and I didn't give this to him - in fact, I had actually rang him back. If I'd have seen this here before I rang him, I probably wouldn't have rang him, but I'd rang back the number and it was him, and then after that, he said, 'I left you a message.' I hadn't seen it so I read it, he said, 'I tried ringing again, a number of occasions, to give you an opportunity to respond to the allegations that you were lobbying the Planning Appeals Commission on behalf of Dalradian,' and that's what he said. He said he was doing an article on that they'd received a complaint that I was lobbying on behalf of Dalradian, and I objected to that or I just said, no, that isn't correct, and this is what the situation was, and that was it. He didn't actually name - as far as I'm aware, he didn't even name a complainant or not, he just said he was doing an article on an issue of me lobbying the Planning Appeals Commission on behalf of Dalradian.

**CfS      What date was that message?**

TB      This date was... [Pause] Hold on. This is 21<sup>st</sup> February.

**JD      What time was that, Mr Buchanan?**

TB      Well, now, this message is through at 13:40, but then it was a way after that, it goes on, later on in the evening when - I'd say later on in the evening. It'd probably have been, I don't know, but it probably would have been about maybe 16:00/16:30 in the evening before I rang him, when I returned that call.

**JD      Okay, but the relevance of my question is that there is no dispute that on 21<sup>st</sup> February at 08:09, the commissioner sent you the letter to say that Mr Tracey was appealing, and it's that letter that has somehow got into the hands of the *Belfast Telegraph*.**

TB      The letter of the 21<sup>st</sup>?

**JD      Yes.**

**CfS      So it's the letter of the 21<sup>st</sup> that is the letter that was sent to me by the complainant, and that's the referral letter. That's the only letter that would have only been sent to you and the clerk which is the letter I put up on the screen, the one that had the marking removed.**

TB      Right, so then the letter in question is the letter of the 21<sup>st</sup>?

**CfS      Correct.**

**JD      That's correct.**

TB      Okay, fair enough.

**CfS      Or any other letter that might have been sent from your office, of course, but that is the main one! [Laughs]**

TB      No, I just want to get that that is what you're querying is this particular letter. I have to be honest with you, if I had the answer for that, I'd give it to you. I haven't got the answer.



- JD** I'm trying to establish, you've obviously said that you didn't send it. I'm trying to clarify is it possible that your office manager or any of the two case workers unbeknown to you got a phone call, a further phone call from the press office, they then saw this email...
- TB** No. I can verify today that wouldn't have happened.
- JD** That the press office wouldn't have sent it?
- TB** It wouldn't have happened that the press office would have rang here and asked for something to be sent to them, and it would have been sent without my...
- CfS** Consent.
- TB** Consent.
- CfS** Okay.
- TB** Absolutely right, because what I want to make clear is this, in a number of offices, I know that there's letters done and they're sent out and they're not sometimes verified by the Assembly member. That's not the case here. Unless it's something that's going for a graduation or a thank you or something like that there, everything else, I get sight of it. Well, it's not the matter that you're clearing it, but it's the matter that you have sight of the situation and you give a look at it before it goes, so you know exactly what's going on. If I was out of the office or away, it would be sent to me and I would look through it and then reply back to it, let it go. That's the way things operate here.
- CfS** Yes. Sorry, John, for cutting in. If I could just clarify something based on what Tom just said. I think what I'm wondering, I'm just wondering, when someone accuses you of something and you said you were setting the record straight that he was wrong in what he was saying. In your head, you were replying to it.
- TB** Yes.
- CfS** Okay, so what else would make that a very - in my head, I'm wondering did you somehow think, or someone in your office think that that letter vindicated you in some way?
- TB** No. Certainly not. I can verify that.
- CfS** Okay, because that was the one reason in my head which was floating around is why would anybody send...?
- TB** Yes, I know what you're saying. No, I can verify that wouldn't happen.
- CfS** Okay. To your knowledge. Somebody sent the letter.
- TB** Yes, but...
- CfS** It wouldn't happen that you would send it based on the fact that it was vindication.
- TB** You're saying to my knowledge. I can stand over it that it wouldn't happen. That's how confident I am.
- JD** Can I just refresh your memory that in relation to what Mr Garrett has said, he has said he got it from the DUP.

- TB Yes, and I took a note of that there, that he said, and the date that he said he - well, I don't know what date it was he said he received it, but he said he received it. That's what I'm going to look at. It's that letter of the 21<sup>st</sup> that he said, and I'll look at that day, at all of the correspondence that came in from the commissioner, I have it all, most of it in front of me, but I have it all here. I'll look at it and certainly, I'll come back to the commissioner on this particular issue.
- JD **And your three members of staff, your office manager and your two case workers, it may be that we will have to engage with them at some stage.**
- TB That's okay.
- JD **Unless they can clarify on your behalf how this situation has developed.**
- TB Yes. If that is necessary, that's okay. That's fine, yes.
- CfS **Just so you understand, and I want to be very open and frank, I've come to you first, you're my first interview on this subject because that's only right and fair, but there is obviously other avenues I can take to get to the bottom of it, but I would rather come to you first and I would rather try to solve this with you in partnership. Do you understand?**
- TB You'll have no difficulty in me working with you to try and resolve this situation, none whatsoever, because I have no... Look, I'll hold my hands up and say, yes, it never crossed my mind, to be quite honest, it never crossed my mind for me to make a comment to the paper was wrong, I suppose at that particular time, and I'll hold my hands up and say I was wrong because this obviously was a live, as you say, it was a live investigation. Well, that was wrong and maybe I was a bit caught on the thing or whatever. Anyway, that's besides - it doesn't matter what the situation, that was wrong. I hold my hands up and say that was wrong. Yes, that's a lesson learned for the future. But on the other, I am going to have to look at that. I'm going to do that and I'll come back to you by telephone and I'll let you know exactly the situation. That's not a problem. As you say, working with me, that's not a problem with me. I'm quite happy.
- CfS **I would prefer for the investigation, I don't mind talking to you on the phone but it would need to be backed up by an email so I have it for evidence as part of the investigation. So I'm happy to take a phone call but we have to agree what we've said on the phone, so it's better to have it in writing as well.**
- TB That's fair enough, yes, and that's okay, that's not a problem.
- CfS **John, anything further?**
- JD **Just further to that, it may be helpful for everybody if you document your engagement with your staff and the sequence of events as you understand it to be and forward it to the commissioner's office.**
- TB Okay.
- CfS **I will wait to hear back from you, Mr Buchanan. Do you have any questions for me?**
- TB What happens if I leave the country? [Laughs]
- CfS **I'll hunt you down! No, I'm kidding! [Laughs] Look, as you say...**

- TB Look, you have a job to do, you're there to do your job, I appreciate that. Somebody's put in a complaint against me, I don't believe that what I did and the fact of making contact was wrong, I believe what I did was... It's no different than anything else because in my role, as an Assembly member, I have work to do and I'm prepared to do that work, but what I do think then is that this has got a bit muddled somewhere along the line and the first thing is, well, there was somebody contacting me about a thing, I was wrong, and then this other thing then where this letter appears out of somewhere, and that will be looked at and I'll come back to you.
- CfS **Okay. I can ask no more, thank you for your cooperation.**
- TB I trust you to give me a fair hearing! [Laughs]
- CfS **Of all things I am, I am fair, so it will be fair and it is fair, and I have to say, like you said, you never thought or whatever, and these complaints often can be very good learning - every day's a school day, isn't it?**
- TB Absolutely. That's right. My father-in-law always says [unclear words 0:55:37.3] you don't learn anything.
- CfS **I do think complaints can be real learning opportunities and actually this is another one of them.**
- TB That is right.
- CfS **Okay. Well, look, I look forward to hearing from you and I want to thank you for all your time and your honesty and approach to today's interview. I'm going to stop the recording. It's now 10:58. Let me see if I can do that. There we go.**

[END OF TRANSCRIPT]

**Document 6: Note of telephone call Mr Buchanan 8 March 2023**

202200061

Note of telephone conversation with Tom Buchanan MLA

8 March 2023, 10.38am

I received a call from Mr Buchanan in relation to the above complaint 202200061. The previous day I had interviewed Mr Buchanan and he agreed to get back to me.

The following was confirmed during this call:

1. Mr Buchanan had checked his system and emails after our interview.
2. Mr Buchanan confirmed that the letter in question, which was marked private and confidential, was in fact sent from his office to [REDACTED] in the DUP press office on 21<sup>st</sup> February.
3. Mr Buchanan stated that the letter he sent was intended for the information of the press office.
4. Mr Buchanan agreed that it is likely the press office was the source of the leak of this confidential information.
5. Mr Buchanan confirmed that he takes full responsibility for this breach of confidentiality as he should not have shared the letter with anyone, including the press office, as the Code precludes it and the letter was expressly marked "Private & Confidential".

Note: Mr Buchanan was provided the opportunity to challenge the contents of this note and did not do so.

## Document 7: Media Query received by Commissioner

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**From:** Garrett Hargan <g.hargan@belfasttelegraph.co.uk>  
**Sent:** 26 February 2023 08:17  
**To:** +StandardsCommissioner <standardscommissioner@niassembly.gov.uk>  
**Subject:** Re: Media Query to Commissioner for Standards

As a follow-up to this. Should the DUP and Mr Buchanan had the findings of your assessment in their possession before the process had concluded?

The DUP sent your findings to me, as a means to apply pressure.  
Is that material allowed to be shared?

Does the lack of a committee mean this decision cannot be finalised?

What role does the committee normally have in such assessments/investigations?

Kind regards,  
Garrett.

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