



House of Commons

Digital, Culture, Media and
Sport Committee

**Failure of a witness to
answer an Order of the
Committee: conduct of
Mr Dominic Cummings**

**Third Special Report of Session
2017–19**

*Ordered by the House of Commons
to be printed 4 June 2018*

The Digital, Culture, Media and Sport Committee

The Digital, Culture, Media and Sport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Digital, Culture, Media and Sport and its associated public bodies.

Current membership

[Damian Collins MP](#) (*Conservative, Folkestone and Hythe*) (Chair)

[Julie Elliott MP](#) (*Labour, Sunderland Central*)

[Paul Farrelly MP](#) (*Labour, Newcastle-under-Lyme*)

[Simon Hart MP](#) (*Conservative, Carmarthen West and South Pembrokeshire*)

[Julian Knight MP](#) (*Conservative, Solihull*)

[Ian C. Lucas MP](#) (*Labour, Wrexham*)

[Christian Matheson MP](#) (*Labour, City of Chester*)

[Brendan O'Hara MP](#) (*Scottish National Party, Argyll and Bute*)

[Rebecca Pow MP](#) (*Conservative, Taunton Deane*)

[Jo Stevens MP](#) (*Labour, Cardiff Central*)

[Giles Watling MP](#) (*Conservative, Clacton*)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/dcmscom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Chloe Challender (Clerk), Joe Watt (Second Clerk), Lauren Boyer (Second Clerk), Josephine Willows (Senior Committee Specialist), Lois Jeary (Committee Specialist), Andy Boyd (Senior Committee Assistant), Keely Bishop (Committee Assistant), Grace Camba (Sandwich Student), Lucy Dargahi (Media Officer) and Janet Coull Trisic (Media Officer).

Contacts

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Report

Summary

1. This Special Report informs the House of the failure of a witness, Mr Dominic Cummings, to comply with an Order by the Digital, Culture, Media and Sport Select Committee to attend the Committee to give oral evidence. The Committee will seek the support of the House in enforcing this Order.

Background

2. In September 2017, the Committee re-launched an inquiry into ‘Fake News’ that had begun in the previous Parliament. Our purpose in considering the nature and extent of the phenomenon which has come to be known as Fake News is to establish its extent and nature, its implications for public policy and the operations of the Department of Digital, Culture, Media and Sport of its prevalence and impact; and to make recommendations as to the adequacy of law and regulation in controlling this phenomenon in the public interest in the context of, in particular, digital media.

3. A key concern raised about Fake News and the public interest is its potentially covert and malign influence on the operation of democratic decision making. This includes not just the deliberate spreading of disinformation based on lies, but also the targeting of voters through social media with hyper-partisan content, sometimes of unknown origin. During our inquiry we have heard evidence about digital advertising during elections, and in particular digital advertising during the EU Referendum campaign in 2016. In that particular context we heard evidence of links between the Leave campaigns and the company Cambridge Analytica, which is connected to the SCL Group. These companies have become of particular interest to our inquiry because of their use of data analytics and psychological profiling to target people with political content through social media.

4. The evidence we have received indicates that Cambridge Analytica either pitched for, or completed, work for Leave.EU between October 2015 and the start of the regulated period.¹ It is also apparent that Vote Leave spent a substantial portion—40%—of its advertising budget via a company called Aggregate IQ.² We have received evidence (oral and written) suggesting that AIQ had close connections to the SCL Group, including joint client work and shared data sets.³

5. Accordingly, we invited the former leaders of both Leave.EU and Vote Leave, and representatives of the companies which have been the subject of these allegations, to give oral evidence on the nature of the data acquired and its use in their campaigns. We did this in order to shed light on the nature of political advertising and other kinds of influence through these means.

6. Leave.EU accepted our invitation. The campaign leads, Arron Banks and Andy Wigmore, will attend to give evidence on 12 June 2018.

7. Other witnesses concerned in these allegations, including Alexander Nix and Brittany Kaiser of Cambridge Analytica, have also appeared as witnesses.

1 [Written evidence from Arron Banks](#); oral evidence from Brittany Kaiser: [Q1492](#) [Q1501](#) [Q1521](#)

2 [Electoral Commission Spending Database](#)

3 [Q1298](#) and internal shared phone list between CA/SCL/AIQ, p.66 of [published evidence](#)

Conduct of Mr Dominic Cummings

8. On 28 March the Chair of the Committee wrote to invite Mr Dominic Cummings, campaign director for Vote Leave, to appear before the Committee on 1 May. He declined to do so, citing two reasons: that he was abroad on the date in question, and that because he was the subject of investigations by the Information Commissioner’s Office and the Electoral Commission he would be unable to answer our questions. The Chair responded on 9 April, declining to accept the reasons proffered by Mr Cummings and offering the date of 8 May as an alternative. Mr Cummings again refused to attend, and on 3 May the Chair wrote again offering the date of 22 May for a hearing. Mr Cummings again refused. The exchanges of correspondence are set out in full in the Annex to this report.⁴

9. We considered carefully Mr Cummings’s reasons for declining to attend and his request for a deferral. The Information Commissioner told us that Mr Cummings was not personally subject to an information notice and that she had no objection to him appearing in front of the Committee. The Electoral Commission also told us that it had no objection to us taking evidence from Mr Cummings.

10. We also considered carefully the extent to which the evidence we sought from Mr Cummings was necessary to our inquiry. The facts or allegations which led us to draw the conclusion that it was are as follows. As the designated lead ‘Leave’ group, Vote Leave had a permitted expenditure limit of £7 million during the Referendum campaign. It spent more than one-third of this budget on services from Aggregate IQ.⁵ AIQ is a Canadian company providing data analytics services. AIQ had close connections to the SCL Group, including building advertising technologies for SCL and working together on numerous projects between 2013 and 2016.⁶ In fact, AIQ was still working for SCL when it was formally contracted to the Vote Leave Campaign.

11. Vote Leave also gave £675,315 to another campaign, BeLeave. This was registered with the Electoral Commission as a donation from Vote Leave to Darren Grimes, the founder of BeLeave.⁷ Some witnesses and outside commentators have raised questions about the extent to which it was a genuine donation.⁸ Further, evidence to the Committee from Facebook showed that BeLeave used AggregateIQ datasets covering the “exact same audiences”.⁹

12. It is not within our remit to determine whether there was collusion between (technically separate) campaigns which would contravene Electoral Commission rules with respect to spending limits. These are matters for the Commission. Nor is it our role to determine whether data protection law has been breached. These are matters for the Information

4 The Electoral Commission’s investigation is into Vote Leave Limited, Mr Darren Grimes and Veterans for Britain Limited. The Information Commissioner’s Office is investigating data analytics for political purposes. In his email of 10 May 2018 (see Annex), Dominic Cummings mentioned a third “investigation into possible criminal action.” He does not state the nature of the case but the fact that the criminal action is only “possible” means that the *sub judice* resolution would not be engaged at this point.

5 Vote Leave declared expenditure during the campaign of £6,773,063.047. This included expenditure of £2,697,020.91 on services from AIQ. Source: Electoral Commission, spending databases [Total spending](#) and [Spending to AggregateIQ](#)

6 [Supplementary evidence from Chris Wylie](#)

7 The named recipient was Darren Grimes.

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0019/213139/Pre-poll-4-Summary-Document.pdf

8 For example, [Q1307](#)

9 [Letter from Rebecca Stimson, Facebook, to the Chair, 14 May 2018](#)

Commissioner and the police. We do not accept that these issues make it impossible for Mr Cummings to give evidence to the Committee relevant to its inquiry into the nature and extent of the influence of Fake News on the conduct of the Referendum campaign.

13. We also considered carefully whether the evidence we sought from Mr Cummings was necessary for us to be able to draw sound conclusions and make useful recommendations on the impact of Fake News on the democratic process, and the adequacy of existing laws and their associated regulatory mechanisms to address any malign effects we may identify. Our inquiry has raised serious questions about the use of personal data in communications and election campaigns. Abuses relating either to data or electoral rules in any Referendum are extremely serious, and absolutely a matter on which Parliament must be engaged. There is, therefore, a strong public interest in Dominic Cummings attending Parliament and putting on the public record the facts as he understands them about the use of data in the Referendum campaign in 2016 in these respects, which are highly relevant to our inquiry.

14. We concluded therefore that we did need to question Dominic Cummings. We were disappointed that his responses implied that the Committee’s view about his attendance was irrelevant, and that it was entirely a matter for him if he wished to attend.¹⁰

15. Finally, we considered whether the request from Mr Cummings for a deferral was justified and offered in good faith. We concluded that it was not justified, in the light of our conversations with the Electoral Commission and the Information Commissioner. Dominic Cummings’s most recent response (24 May) stated that he would consider giving evidence to *another* committee providing it “behaves reasonably and I can give evidence without compromising various legal actions [...]. Once these legal actions have finished, **presumably this year**, it will be easy to arrange if someone else wants to do it” [our emphasis]. This leads us to conclude that had a July date been agreed to, Mr Cummings’s excuses about legal proceedings may have continued until later in the year, and that the offer to attend in July was not made in good faith, and was no more than a tactic to obfuscate and delay.

16. Accordingly, on 10 May the Committee exercised the power delegated to it by the House in Standing Order No. 152 to send for persons, and issued an Order for Mr Cummings to attend and give evidence at 10am on 22 May. Mr Cummings failed to appear, placing himself in contempt of the House.

Our request to the House

17. Following Dominic Cummings’s failure to comply with the Order of the Committee to attend on 22 May we offered him a final opportunity to agree a date on which he will present himself. He has failed to do so. In our view this constitutes a serious interference with the ability of this Committee to discharge the task assigned to it by the House and a flagrant contempt of the House.

18. We will therefore be seeking, as a matter of privilege, an Order of the House requiring Dominic Cummings to agree a date on which he will appear before the Committee. If Mr Cummings were to refuse to comply with that Order, the Committee will seek to invite the House to refer the matter to the Committee of Privileges for a recommendation on what next steps should be taken.

10 For example, see Dominic Cummings’s email of 10 May, included in the Annex to this report.

Annex: Correspondence

28 Mar 2018 - Clerk to Dominic Cummings

Dear Mr Cummings,

Please see a letter attached from the Chair of the DCMS select committee.

Best wishes,

Chloe Challender

Attached letter:

Dominic Cummings

28 March 2018

Dear Dominic

Request for oral evidence

I note from your blog that you have observed some of the evidence we have taken on recent revelations about Cambridge Analytica. As you have also noticed, some of the allegations that have been made relate to the EU Referendum, including the activities of Vote Leave.

As a result the Committee would like to invite you to respond to some of the allegations during an oral evidence hearing with the Committee. Our preferred date for this would be Tuesday 1 May.

We would appreciate a confirmation of your appearance by Monday 8 April.

Yours sincerely,

DAMIAN COLLINS MP

CHAIR, DCMS COMMITTEE

7 April 2018 - Dominic Cummings to Clerk cc Damian Collins MP

Dear Damian et al

I am prepared to give evidence to your committee...

But...

- (1) I am abroad on that date.
- (2) There are now multiple legal cases involved with these issues.

I shortly have to speak to different agencies (EC/ICO etc) and different parties to different legal actions and their lawyers.

I am sending documents to the EC/ICO in a fortnight or so.

I will let you know when lawyers suggest I could usefully give evidence to you without prejudicing other actions.

Do you plan to have technical experts work with your committee? If not, how do you propose to cope with conflicting claims about technical issues?

You will know from my blog that much that Mr Wylie claimed is factually wrong...

Best wishes

D

9 April 2018 - Clerk to Dominic Cummings cc Damian Collins MP

Dear Dominic

I have passed your message to Damian Collins.

We wondered about 8 May instead – are you back in the UK then?

The Committee is keen to announce the date of the session this week, so I would be grateful if you could let me know by close of play this Wednesday.

Best wishes,

Chloe

12 April 2018 - Clerk to Dominic Cummings

Dear Dominic

Just to check you have received our new date of 8 May for the hearing? As I stated below, we wish to announce this by the end of the week, so would be grateful for your confirmation.

Chloe

12 April 2018 - Dominic Cummings to Clerk, cc Damian Collins MP

Hi

No I cannot commit to that date.

I could do the first half of July.

d

3 May 2018 - Clerk to Dominic Cummings

Dominic,

We plan to hold a Fake News session on Tuesday 22 May and would like you to attend to give evidence. Please can you confirm by Tuesday (8 May) morning if you are able to attend?

Best wishes,

Chloe

9 May 2018 - Dominic Cummings to Clerk

i already answered this a month ago.

d

9 May 2018 - Damian Collins MP to Dominic Cummings

Dear Dominic

I'm sorry but the committee is not prepared to wait until July for you to give evidence.

We have discussed this with the Information Commissioner who has told us that you are not personally subject to an information notice and she has no objection to you appearing in front of the committee.

As no criminal or civil charges have been brought by the authorities the usual restrictions on committees considering matters that are before the courts do not apply in this case.

Kind regards

Damian

10 May 2018, Dominic Cummings to Damian Collins MP

Dear Damian

- (1) As I said a month ago I cannot do that date.
- (2) You should have the same conversation with the Electoral Commission. There is a third investigation into possible criminal action. This unfortunately puts us all in a bind -- until threats of criminal prosecution are lifted I'm sure you appreciate that I cannot risk saying things that will cause trouble on that front, and given I have no idea who may be prosecuted for what, or who is a witness to what and so on, I have been told by multiple teams of lawyers for different parties that I must keep my trap shut. As soon as the EC says their 3rd investigation is over, the situation will obviously be different, but I understand this is unlikely at least before the judicial review in June.
- (3) As far as I am aware nobody is now investigating claims concerning VL use of the data wrongfully grabbed by CA as it seems everyone now realises, particularly after Facebook's evidence to you, that not only did we not use it for targeting with AIQ but, as FB said, we could not have done.
- (4) Wylie and Shahmir should be invited back to your committee and asked to explain all the errors and inconsistencies in their different versions of events. Until this happens, it is literally impossible to know what we are accused of given they have made many mutually inconsistent claims, which has had the effect of spreading fake news across the internet. Given your inquiry is into fake news, it is obviously ironic that you have, of course accidentally, helped to spread it across the world. While we wait for the EC to finish their 3rd inquiry, could I suggest a good use of your time would be to clear up the fake news caused by your previous hearings?

When the dust settles and the mirages created by the Observer have dissipated, I will be happy to discuss the real issues involved, to the limited extent I understand them...

Best wishes

D

10 May 2018 - Damian Collins MP to Dominic Cummings

Dear Dominic

We have offered you different dates, and as I said previously we are not prepared to wait until July for you to give evidence to the committee. We have also discussed this with the Electoral Commission who have no objection to you giving evidence to us.

We are asking you to give evidence to the committee following evidence we have received that relates to the work of Vote Leave. We have extended a similar invitation to Arron Banks and Andy Wigmore, to respond to evidence we have received about [Leave.EU](#), and they have both agreed to attend.

The committee will be sending you a summons to appear and I hope that you are able to respond positively to this.

Best wishes

Damian

10 May 2018, Dominic Cummings to Damian Collins MP

The EC has NOT told me this.

Sending a summons is the behaviour of people looking for PR, not people looking to get to the bottom of this affair.

A summons will have ZERO positive impact on my decision and is likely only to mean I withdraw my offer of friendly cooperation, given you will have shown greater interest in grandstanding than truth-seeking, which is one of the curses of the committee system.

I hope you reconsider and put truth-seeking first.

Best wishes

D

11 May 2018 - Damian Collins MP to Dominic Cummings

Dominic

I think we have been pretty patient and reasonable about this, and have tried to offer you other dates. If you were to respond to the summons suggesting an alternative date in early June I'm sure the committee would consider that.

We have been able to easily accommodate other witnesses in this inquiry so far, but not it would seem you.

Given that in your emails you have accused the committee both of grandstanding and helping to spread fake news, I'm not sure that we've seen much 'friendly cooperation'. You've suggested that we bring Chris Wylie back now to question him again about his evidence, but are saying that you won't make yourself available for at least another two months.

I'm afraid that the summons reflects the desire of the committee that you should appear on a date that is relevant to the timetable of our inquiry. If you refuse to do so then the committee will consider what further action to take, in line with the rules of the House.

Best wishes

Damian

11 May 2018 - Dominic Cummings to Damian Collins MP

No chance.

I was trying to agree a date and as I said I'd written to the EC [Electoral Commission]

Having gone dark for weeks you rushed out a 'Summons' making clear your priority is headlines not facts.

I will not participate in your theatre.

As you know you have no powers to compel my attendance and your threats are empty.

I will judge whether to speak to other Committees depending on whether they behave reasonably or grandstand.

Emailing me now after I warned you yesterday about a Summons is hopeless.

This is my last reply to this committee, it is fruitless sending any further emails/letters.

I will analyse your reports on my blog.

It is a shame as there are serious issues to discuss and which most reasonable people could agree on.

11 May 2018 - Damian Collins MP to Dominic Cummings

For the record, before we issued the summons the committee clerks wrote to you on 28th March asking you to give evidence on 1st May, then again on 9th April offering 8th May, and on 3rd May offering 22nd May.

In my email to you on Wednesday I wanted to see if there was the chance we could reach an agreement on your appearing to give evidence, but your reply made it clear to us that was unlikely.

I will take your last reply as a refusal to attend and the committee will discuss our response to this when we meet on Tuesday.

Kind regards

Damian

24 May 2018 - Clerk to Dominic Cummings

Dear Dominic,

Please see attached a letter from Damian Collins MP.

Best wishes,

Chloe Challender

Dominic Cummings

24 May 2018

Dear Dominic

Refusal to comply with summons

In a series of emails to me, and on your blog, you have stated your unwillingness to comply with the order sent by the DCMS Committee on 10 May.

You have left me with no option but to propose to the Committee that it report your refusal to the House, and seek its support in obtaining your attendance during the month of June.

I intend to put to the Committee on 4 June a Special Report. Should the Committee agree it, and the Speaker agree to give it precedence as a matter of privilege, I will put down a motion for the House to consider [...] seeking the House's support for enforcement of an order for you to attend the Committee in June.

I wanted to give you warning of this course of events, which is, of course, revocable should you notify us of your willingness to attend in June over the next week.

Yours sincerely,

DAMIAN COLLINS MP

CHAIR, DCMS COMMITTEE

24 May 2018 - Dominic Cummings' response, issued via his blog

<https://dominiccummings.com/>

Here is my official reply...

Dear Damian et al

As you know I agreed to give evidence.

In April, I told you I could not do the date you suggested. On 12 April I suggested July.

You ignored this for weeks.

On 3 May you asked again if I could do a date I'd already said I could not do.

I replied that, as I'd told you weeks earlier, I could not.

You then threatened me with a Summons.

On 10 May, Collins wrote:

Dear Dominic

We have offered you different dates, and as I said previously we are not prepared to wait until July for you to give evidence to the committee. We have also discussed this with the Electoral Commission who have no objection to you giving evidence to us.

We are asking you to give evidence to the committee following evidence we have received that relates to the work of Vote Leave. We have extended a similar invitation to Arron Banks and Andy Wigmore, to respond to evidence we have received about Leave.EU, and they have both agreed to attend.

The committee will be sending you a summons to appear and I hope that you are able to respond positively to this

Best wishes

I replied:

The EC has NOT told me this.

Sending a summons is the behaviour of people looking for PR, not people looking to get to the bottom of this affair.

A summons will have ZERO positive impact on my decision and is likely only to mean I withdraw my offer of friendly cooperation, given you will have shown greater interest in grandstanding than truth-seeking, which is one of the curses of the committee system.

I hope you reconsider and put truth-seeking first.

Best wishes

d

You replied starting this charade.

You talk of ‘contempt of Parliament’.

You seem unaware that most of the country feels contempt for Parliament and this contempt is growing.

You have failed miserably over Brexit. You have not even bothered to educate yourselves on the basics of ‘what the Single Market is’, as Ivan Rogers explained in detail yesterday.

We want £350 million a week for the NHS plus *long-term consistent funding* and learning from the best systems in the world and instead you funnel our money to appalling companies like the parasites that dominate defence procurement.

We want action on unskilled immigration and you give us bullshit promises of ‘tens of thousands’ that you don’t even believe yourselves plus, literally, free movement for murderers, then you wonder why we don’t trust you.

We want a country MORE friendly to scientists and people from around the world with skills to offer and you give us ignorant persecution that is making our country a bad joke.

We want you to take money away from corporate looters (who fund your party) and fund science research so we can ‘create the future’, and you give us Carillion and joke aircraft carriers.

We want to *open* government to the best people and ideas in the world and you keep it a closed dysfunctional shambles that steals our money and keeps power locked within two useless parties and a closed bureaucracy that excludes ~100% of the most talented people. We want real expertise and you don’t even think about what that means.

You spend your time on this sort of grandstanding instead of serving millions of people less fortunate than you and who rely on you.

If you had wanted my evidence you would have cooperated over dates.

You actually wanted to issue threats, watch me give in, then get higher audiences for your grandstanding.

I’m calling your bluff. Your threats are as empty as those from May/Hammond/DD to the EU. Say what you like, I will not come to your committee regardless of how many letters you send or whether you send characters in fancy dress to hand me papers.

If *another* Committee behaves reasonably and I can give evidence without compromising various legal actions then I will consider it. Once these legal actions have finished, presumably this year, it will be easy to arrange if someone else wants to do it.

Further, I’m told many of your committee support the Adonis/Mandelson/Campbell/Grieve/Goldman Sachs/FT/CBI campaign for a rematch against the country.

Do you know what Vote Leave 2 would feel like for the MPs who vote for that (and donors who fund it)?

It would feel like having Lawrence Taylor chasing you and smashing you into the ground over and over and over again.

Vote Leave 2 would not involve me—nobody will make that mistake again—but I know what it would feel like for every MP who votes for a rematch against the public:

So far you guys have botched things on an epic scale but it’s hard to break into the Westminster system—you rig the rules to stop competition. Vote Leave 1 needed Cameron’s help to hack the system. If you guys want to run with Adonis and create another wave, be careful what you wish for. ‘Unda fert nec regitur’ and VL2 would ride that wave right at the gates of Westminster.

A second referendum would be bad for the country and I hope it doesn’t happen but if you force the issue, then Vote Leave 2 would try to create out of the smoking wreck in SW1 something that can deliver what the public wants. Imagine Amazon-style obsession on customer satisfaction (not *competitor and media* obsession which is what you guys know) with Silicon Valley technology/scaling and Mueller-style ‘systems politics’ combined with the wave upon wave of emotion you will have created. Here’s some free political advice: when someone’s inside your OODA loop, it feels to them like you are working for them. If you go for a rematch, then this is what you will be doing for people like *me*. 350m would just be the starter.

‘Mixed emotions, Buddy, like Larry Wildman going off a cliff—in my new Maserati.’

I will happily discuss this with your colleagues on a different committee if they are interested, after the legal issues are finished...

Best wishes

Dominic

Ps. If you’re running an inquiry on fake news, it would be better to stop spreading fake news yourselves and to correct your errors when made aware of them. If you’re running an inquiry on issues entangled with technologies, it would be better to provide yourself with technological expertise so you avoid spreading false memes. E.g your recent letter to Facebook asked them to explain to you the operational decision-making of Vote Leave. This is a meaningless question which it is impossible for Facebook to answer and could only be asked by people who do not understand the technology they are investigating.