HOUSE OF LORDS
APPOINTMENTS COMMISSION

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Ref: HOLAC FOI 2020/3

10 August 2020

By email: **<REDACTED>**

Freedom of Information Act

I am replying to your Freedom of Information request, which the House of Lords Appointments Commission (HOLAC) received on 3 August 2020.

You asked:

1) Since 2000, how many party political peerage nominations have been blocked by the Commission?

2) Of all those blocked by the Commission, how many were
(a) Conservative
(b) Labour
(c) Liberal Democrat
(d) Democratic Unionist Party
(e) Crossbench
(f) another party?

3) Please provide a breakdown of the rejections per party in the last three Parliament, i.e. 2015-2017, and 2017-9, and 2019-present.

4) Were any individuals blocked on more than one occasion? If so, how many?

5) How many individuals, previously blocked by the Commission, have been successfully re-nominated and have ended up sitting in the House of Lords?

As in our previous replies, I have interpreted your first request as one for information about instances when the Commission has written to the Prime Minister stating that it is unable to support a nomination and when the Commission has informed the relevant party leader that it would be unable to support a nomination and given the party leader the opportunity to submit a substitute nomination (the latter approach has been adopted since 2013).

Since 2000, this has happened in the case of 25 nominations. Of these, the Conservative Party nominated thirteen, the Labour Party nominated nine, the Liberal Democrat Party nominated one, and the Democratic Unionist Party nominated two. None were nominated to the Crossbenches or by any other political party.

In relation to your third question, the figures breakdown as follows: Eight in the 2015-17 Parliament, between zero and five in the 2017-19 Parliament, and between zero and five in the current Parliament. We consider that Section 40 of the FOI Act applies in those cases where we have not given specific figures as it may be possible to identify individuals. The names and other personally-identifying information about the nominees themselves constitute personal data. Section 40(2) of the FOI Act allows public authorities to withhold personal data if disclosure would contravene any of the data protection principles listed in the Data Protection Act 1998. It is for the Commission to make a judgment in relation to whether the data protection principles would be contravened and the fairness of releasing data.

If it would not be fair to the data subject to disclose their personal data, an absolute exemption from disclosure applies. Even if the disclosure of personal data might be fair in some individual; cases, further consideration is then given to Schedule 2 and 3 of the Data Protection Act, including whether processing might be necessary for the purposes of legitimate interests. The Commission undertakes to treat nominations in confidence, thereby creating a reasonable expectation that their names or similarly personally-identifying information, will not be released publicly. To release personally-identifying information (including their names) would therefore, in the Commission's view, be unfair and would therefore contravene the first data protection principle. This view was accepted by the Information Commissioner's decision in relation to a previous FOI request relating to HOLAC minutes.

Personally-identifying information about nominees has therefore been withheld under section 40(2).

There are two individuals whose nominations the Commission has been unable to support on more than one occasion.

There are six individuals whose earlier nominations the Commission had been unable to support who were subsequently re-nominated and appointed to the House of Lords.

If you are unhappy with this response to your request, you may write to the Secretary to the Commission, Alison Bennett, to ask for an internal review by another person not involved with this request. Please note that we will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision.

Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by HOLAC.

The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Secretariat to the House of Lords Appointments Commission