

HOUSE OF LORDS
APPOINTMENTS COMMISSION
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Ref: HOLAC FOI2022/20

5 October 2022

By email: <REDACTED>

Dear <REDACTED>,

FREEDOM OF INFORMATION ACT REQUEST

I am replying to your Freedom of Information request, which the House of Lords Appointments Commission (the Commission) received on 5 September 2022.

You asked:

Please can you clarify by reviewing and answering the following questions.

My Q1 was: "Q1. Since the last General Election how many (not 'who' or 'names') nominations has the Commission received where political donations, etc had to be taken into account?" The etc represented 'significant political donations, loans or credit arrangements.'

Your answer to Q1 was: "With regards to question 1, political donations are taken into account for all nominations that the Commission considers. Since the last General Election in December 2019, 74 nominations have been considered by the House of Lords Appointments Commission."

Please can you clarify:

- (a) Were all 74 political nominations?*
- (b) Had each of the 74 nominees made significant political donations, loans or credit arrangements?*
- (c) If 'No' how many had?*
- (d) What is the total number of all, political and none-political nominations since December 2019?*

Please note that as this is a request for further information, and not for a review of the information provided in our last response, that this has been treated as a new Freedom of Information request.

We are writing to advise you that following a search of our paper and electronic records, we have established that the information you requested is held by the House of Lords Appointments Commission.

In answer to your first question, as noted in our previous response the numbers given were for nominations forward through political means, or in other words, by a political party leader outside of the non-party-political crossbench public application process which the Commission also manages. This includes non-affiliated nominations and Prime Minister's crossbench exception nominations. As long as this definition is used, all 74 nominations can all be described as 'political nominations'.

In answer to your second question, not all of the 74 nominees' political donations would be considered a high level donor per the Commission's policy on political donations, which is available in redacted form on the Commission's website.

Some of the information relevant to question 3 of your request is being withheld under section 21(1) of the Freedom of Information Act (Information reasonably accessible to the applicant by other means). Section 21 is an absolute exemption and the Commission is not required to consider whether the public interest favours disclosure of this information. There is information on political donations in the public domain which is accessible via the Electoral Commission website. Peerages that are approved by the Sovereign are announced on Gov.uk. As such, members of the public are able to view individual donation records. This website to access individuals' donation history can be found using [this link](#).

Some of the information in scope of this question is being withheld under section 37(1)(b) of the Freedom of Information Act (information relating to the conferring by the Crown of any honour or dignity) and section 41(1)(b) (information provided in confidence).

The information you request relates exclusively to processes relating to the conferring by the Crown of a dignity. Section 37(1)(b) is, however, a qualified exemption. I have therefore balanced the public interest in maintaining the exemption against the public interest in disclosing the information.

In favour of disclosure, there is a strong public interest in knowing that the peerage process is accountable and transparent, and in maintaining public confidence in the system.

In favour of maintaining the exemption, there is a strong public interest in protecting the confidentiality of the consideration of individual nominees. It is in the public interest, and fundamental to the Commission's ability to fulfil its core purpose of nominating individuals to sit on the crossbenches of the House of Lords, that individuals of high professional standing are willing to nominate themselves or be nominated. It is unlikely that individuals would be willing to put their names forward if

they could not rely on the Commission's confidentiality in handling their nomination or if they otherwise felt that their personal details or personally-identifying aspects of the Commission's consideration of their case would be put in the public domain. We believe the same consideration applies to political nominees who are vetted by the Commission. Though your request is for numbers of individuals rather than names, it is the Commission's view that releasing these numbers, which are small, could lead to media speculation regarding individual nominees. This risk is heightened when combined with the information on candidates who were recommended by the Commission and then approved by the Prime Minister and the Sovereign, which can be viewed publicly.

Taking all of the relevant factors into consideration, including the fact that the Commission already places a great deal of information about its working practices in the public domain to reassure the public that these are sufficiently rigorous, I consider that the balance of the public interest lies in maintaining the section 37(1)(b) exemption in respect to personally-identifying information about individual candidates which has not already been put in the public domain by the Commission, the Government or the individual.

This information is also withheld under Section 41(1)(b) (information provided in confidence) which allows public authorities to withhold information where the disclosure of which would give rise to an actionable breach of confidence. At the start of the vetting process, the House of Lords Appointments Commission informs nominees that any information provided by them and any information the Commission obtains in the course of its further enquiries of other bodies will be treated as confidential. The information relating to nomination that is held by HOLAC therefore has the necessary quality of confidence and there is no overriding public interest that would allow it to be disclosed in breach of that confidence. Again, though your request is for numbers of individuals rather than names, it is the Commission's view that releasing these numbers, which are small, could lead to media speculation regarding individual nominees. Section 41 is an absolute exemption, therefore there is no requirement to consider whether the public interest in disclosing it outweighs the public interest in maintaining the exemption.

With regards to question 4 of your request, the Commission has already given the total number of political nominations in our previous response. We have taken your request for the number of 'non-political nominations' to mean those self-applications received by the Commission to become non-party political members of the House of Lords. I can confirm that there have been 280 applications to the Commission since December 2019.

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

Yours sincerely,

Secretariat to the House of Lords Appointments Commission