

# MOU between the Advisory Committee on Business Appointments (ACOBA) Secretariat and the House of Lords Appointments Commission (HOLAC)

## Process

1. HOLAC should undertake a check of publicly available information concerning breaches of the Business Appointment Rules.
2. HOLAC to provide ACOBA Secretariat with its list of relevant applicants identified on a best endeavours basis<sup>1</sup> as former Ministers and senior civil servants at pay band SCS3 and above.
3. ACOBA will run a due diligence and records check against the list of relevant nominees to identify all and any incidents of purported non-compliance with the Business Appointment Rules.
4. ACOBA Secretariat will either confirm that they do not hold the requested information, or will share relevant information found with HOLAC.

## Data handling

### Request for information

HOLAC should ask the ACOBA Secretariat for information on potential or actual breaches of the Business Appointment Rules by applicants. The request shall include: name of applicant and relevant position(s) formerly held. ACOBA may request additional personal information of the applicant if required for the purposes of establishing their identity and/or the specifics of their interaction with ACOBA.

ACOBA will process personal data in accordance with its privacy notice to enable HOLAC to satisfactorily complete its probity and propriety checks. ACOBA will only share information it holds which is necessary to ascertain an individual's compliance with the Rules - together this forms 'the relevant purpose'.

Information will be processed via an appropriate secure electronic method with temporary sharing rights granted to ACOBA staff carrying out the probity checks. Once probity checks are complete, sharing rights will be revoked. Information processed by HOLAC and ACOBA will be marked **Official - Sensitive** and must be treated as such.

Information processed by HOLAC and ACOBA must only be used for the relevant purpose.

Information will be shared by HOLAC with stakeholders<sup>2</sup> only as required. HOLAC will not share the information more widely than this process requires.

### Storage of information

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<sup>1</sup> The Commission's Secretariat will endeavour to identify previous Crown employment service in order to complete a check with ACOBA. Some nominees' Crown service may predate the establishment of ACOBA.

<sup>2</sup> This may include the Prime Minister.

Information shared by ACOBA must be held securely in a place only accessible to HOLAC staff processing the request for a check.

Information shared by ACOBA with HOLAC must be held securely in a place only accessible to the members of the team who process propriety checks on applicants. It should not be accessible to the wider team or those external to HOLAC (unless specifically approved to do so).

If information has to be shared outside of the secure email and information management systems used by HOLAC and ACOBA, it will only be done after appropriate controls including encryption of emails and strict data handling instructions.

### **Destruction of information**

HOLAC is content for ACOBA to hold a record of checks completed and their outcomes. Personal data supplied about the applicants for the purposes of completing the check should be kept or destroyed in line with the requirements of the data retention policies used by ACOBA and HOLAC.

HOLAC and ACOBA will hold information in accordance with their usual data handling and retention policies.

### **Freedom of Information and Subject Access Requests**

If either HOLAC or ACOBA receive an FOI or DSAR relevant to this process or an individual for whom an ACOBA check has been carried out under the terms of this agreement, they will inform each other to the sections in play and to determine an appropriate response. This agreement recognises that ACOBA and HOLAC are both advisory non-departmental public bodies, the records for which are separate from those of the Cabinet Office.

Peerages are dignities. By virtue of paragraph 15 of Part 2 of Schedule 2 to the Data Protection Act 2018, some requirements are disapplied where personal data is processed for the purposes of the conferring by the Crown of any honour or dignity. This includes the requirement under Article 15 UK GDPR to respond to subject access requests. Where exemptions apply, HOLAC remains subject to the duties under data protection law including the obligations that data is processed lawfully (under an identified legal base), that it is only collected for specified purpose(s), that it is adequate and relevant to that purpose, that it is accurate and kept up to date where necessary, that it is only kept for as long as it is needed for that purpose (unless forming part of the historic record), and that it is kept secure.

### **Agreement**

This agreement will be reviewed on an annual basis.

### **Signatories**

#### **For ACOBA Secretariat**

Head of ACOBA  
31 October 2022

#### **For the House of Lords Appointments Commission**

Alison Bennett  
Secretary to the House of Lords Appointments Commission  
31/10/2022