

HOUSE OF LORDS
APPOINTMENTS COMMISSION
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Ref: HOLAC FOI 2022/13

16 June 2022

By email: <REDACTED>

Dear <REDACTED>,

Ref: 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 25 May 2022.

You asked:

1. *How many of your staff have been accused of a) sexual misconduct, or b) other professional misconduct in the workplace since 1st January 2021?*
2. *How many of your staff have been disciplined for a) sexual misconduct, or b) other professional misconduct in the workplace since 1st January 2021?*

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.

This information is withheld under Section 40(2) of the Freedom of Information Act. The name and other personally-identifying information about Secretariat staff, such as personal information retained on documents and other identifiable information constitute personal data. Section 40(2) of the 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 judgement 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. Alongside this, where a number is very low (less than 5) the information cannot be disclosed as it could potentially identify the individuals

involved, especially if combined with other data, and this would constitute a breach of the Data Protection Act 1998.

The House of Lords Appointments Commission is a small independent advisory non-departmental public body which employs less than 5 members of staff. The names of Commission staff are in the public domain due to previous Freedom of Information Releases and therefore release of this information could cause unfair speculation on those individuals. To release personally-identifying information would therefore, in the Commission's view, be unfair and would therefore contravene the first data protection principle. Therefore, the Commission considers that this information is exempt from disclosure under section 40(2) of the Freedom of Information Act 2000 on the grounds that it is personal information.

Yours sincerely,

Secretariat to the House of Lords Appointments Commission