

HOUSE OF LORDS
APPOINTMENTS COMMISSION
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Ref: HOLAC FOI 2023/8

11 July 2023

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 12 June 2023.

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?

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.

Noting your previous request for similar information (https://lordsappointments.independent.gov.uk/wp-content/uploads/2022/06/2021_02-HOLAC-FOI-1.pdf), part of this information is considered to be reasonably accessible by other means under section 21 of the Freedom of Information Act. Therefore, this response will address the stated questions from January 2021.

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 or 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). The Commission is advisory and does not have the powers to 'block' or 'reject' proposed nominations.

Since January 2021, this has happened in the case of 13 nominations. Of these, 12 were nominated by the Conservative Party and 1 was nominated by the Democratic Unionist Party.

In regards to 3), in the current parliament (2019 - present) there have been 16 cases where the Commission has written to the Prime Minister to state that they could not support a proposed nomination. As above, information on the earlier parliaments has been provided in response to your previous request.

Since January 2021, there have been <5 individuals that the Commission has been unable to support on more than one occasion. There have been <5 individuals whose earlier nomination the Commission had been unable to support who were subsequently re-nominated and appointed to the House of Lords. Specific figures have not been provided, as we consider that Section 40(2) of the Freedom of Information Act applies in those cases where 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 2018. 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.

Section 37(1)(b) of the Freedom of Information Act, which relates to the conferral of honours and dignities, also applies to the data in part 4) and 5). A peerage is a dignity for the purposes of the Act. Section 37 is a qualified exemption which is subject to a public interest test. In favour of disclosing information, there is a strong public interest in knowing that the appointments process is accountable and transparent, and in maintaining public confidence in the system. This includes understanding the role of the Commission when it has offered the Prime Minister propriety advice to indicate it could not support a nominee. In favour of maintaining the exemption, however, there is a strong public interest in protecting the confidentiality of the consideration of individual nominees. We judge that on this occasion the balance of public interest favours withholding of the figures requested in part 4) and 5) of your request. To protect the confidentiality of the candidates'

personal data, the Commission is not disclosing annual figures of fewer than five people.

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