

**HOUSE OF LORDS
APPOINTMENTS COMMISSION**

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Internet: <http://lordsappointments.independent.gov.uk>
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Ref: HOLAC FOI 2023/10

12 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 (HOLAC) received on 18 June 2023.

You asked:

Will it be possible to release into the public domain, the pertinent information that backed up the applications made on the Resignation Honours List of Boris Johnson - which were passed and recommended by HOLAC?

I am writing to advise you that following a search of our paper and electronic records, I have established that the information you requested is held by the Commission.

Firstly, I would clarify that your request is interpreted as asking for the documents provided to HOLAC, from Boris Johnson's office, for the proposed nominations for peerages on Boris Johnson's Resignation List. Secondly, for the avoidance of doubt, HOLAC does not 'pass' or 'recommend' the proposed nominations. HOLAC vets proposed nominations for propriety, before writing to the Prime Minister on whether the Commission is able to support the nomination. HOLAC's guidance is advisory and it is a matter for the Prime Minister to decide whether to accept the advice of the Commission.

The information in the scope of your request that is held by the Commission is considered to fall under section 37(1)(b) of the Freedom of Information Act (information relating to the conferring by the Crown of any honour or dignity). The information you request relates exclusively to processes relating to the conferring by the Crown of a dignity, as a peerage is a dignity for the purposes of the Act. 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 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 peerage appointments system. In favour of maintaining the exemption, there is a strong public interest in protecting the confidentiality of the consideration of individual nominees and ensuring the potentially sensitive vetting information can be candidly assessed.

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 of the names of nominees and other personally-identifying information about them which has not already been put in the public domain by the Commission, the Government or the individual.

Additionally, we are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing it would contravene any of the provisions in the Data Protection Act 1998 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40(2) is engaged. The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

Some of this information is also withheld under Section 41(1)(b), information provided in confidence, which allows public authorities to withhold information, the disclosure of which would give rise to an actionable breach of confidence. At the start of the vetting process the 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 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. 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.

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