

**HOUSE OF LORDS**  
**APPOINTMENTS COMMISSION**  
Room G/38, 1 Horse Guards Road, London SW1A 2HQ  
Internet: <http://lordsappointments.independent.gov.uk>  
E-mail: [enquiry@lordsappointments.gov.uk](mailto:enquiry@lordsappointments.gov.uk)

**Ref: HOLAC FOI 2023/22**

11 December 2023

By email: [REDACTED]

Dear [REDACTED]

**FREEDOM OF INFORMATION ACT REQUEST**

I am replying to your Freedom of Information requests, which the House of Lords Appointments Commission (HOLAC) received on 16 November 2023.

You requested:

*“All information (whether in correspondence, emails, WhatsApp messaging, meeting notes or minutes, attendance notes of telephone calls or otherwise) involving communications between the House of Lords Appointment Commission (including any of its members, clerks, officers, or assistants) and the following Government Departments (including Ministers, civil servants, officers and Special Advisors therein):*

- *The Insolvency Service*
- *The Department for Business and Trade*
- *The Foreign, Commonwealth and Development Office*
- *The Cabinet Office*
- *The Office of the Prime Minister*

*Where that information relates to the potential Company Director Disqualification Act proceedings involving Mr. Greensill and/or the involvement in Greensill finances of Mr. David Cameron (now Lord Cameron).”*

We can confirm that some information in the scope of this request is held, though we neither confirm nor deny what information is held in regard to the separate parts of your request. The information that you have requested falls within section 37(1)(b) of the Freedom of Information Act, which relates to the conferral of honours and dignities. 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 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 to the enquiries made and advice given by the Commission to the Prime Minister regarding the vetting of David Cameron.

Some of this information is also withheld under Section 40(2) of the Freedom of Information Act. The names and other personally-identifying information about the nominees themselves 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. The Commission undertakes to treat nominations in confidence, thereby creating a reasonable expectation that their names or similarly personally-identifying information, will not be released publicly. To release personally-identifying information which would not otherwise be in the public domain would therefore, in the Commission's view, be unfair and would therefore contravene the first data protection principle. Personally-identifying information about nominees has therefore been withheld under section 40(2).

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**