

HOUSE OF LORDS
APPOINTMENTS COMMISSION
Room G/38, 1 Horse Guards Road, London SW1A 2HQ
General Enquiries: 07872 828699
Internet: <http://lordsappointments.independent.gov.uk>
E-mail: enquiry@lordsappointments.gov.uk

Ref: HOLAC FOI 2024/4

6 March 2024

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 February 2024.

You asked:

This request is 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 (I understand the latter approach has been adopted since 2013).

Please can you share the letters you have written for all of the above instances since January 2019?

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.

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. There is also an interest in understanding the factors considered by the Commission when assessing the propriety of individuals. 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. Furthermore, with one exception (for which the Commission [wrote](#) to the Public Administration and Constitutional Affairs Committee), none of the relevant individuals were subsequently appointed to the House of Lords. We consider that this reduces the public interest in understanding why the Commission was unable to support them.

Taking all of the relevant factors into consideration, including the fact that the Commission does make clear the number of individuals it is unable to support as part of its efforts to be as transparent as possible, I consider that the balance of the public interest lies in maintaining the section 37(1)(b) exemption in respect to the advice given to Party leaders on which individuals it is unable to support.

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. It is acknowledged that in your request you mentioned that you were content for some of this information to be redacted for this reason, but it should be emphasised that the issues identified by the Commission would, in some cases, clearly identify that individual. It would not be sufficient to simply remove their names, jobs or the dates on which the Commission provided their advice.

This information is also being withheld under Section 41(1)(b) (information provided in confidence) which allows public authorities to withhold information where 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 advice given by the Commission to the Prime Minister, and other Party leaders, would therefore be treated as confidential for any other use besides the purpose for which it was collected. 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