

**HOUSE OF LORDS  
APPOINTMENTS COMMISSION**

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**Ref: HOLAC IR2022/1**

6 April 2022

By email: [REDACTED]

**Freedom of Information Act**

Dear [REDACTED]

HOLAC Internal Review Reference: **IR2022/01**  
(Original Case Reference: **FOI2022/01**)

**REVIEW OF REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000**

Thank you for your email of **10 March**. You asked for an internal review of our response to your request for information on **18 February**. In your request you asked for the following information:

*–any emails, records, reports, memos, letters, and/or assessments that were prepared, received, transmitted, collected and/or maintained by the House of Lords Appointments Commission relating to the nomination of Evgeny Lebedev for a life peerage between February 2020 and August 2020.*

I have carefully reviewed the handling of your request and I consider that the exemptions at 37(1)(b), 40(2), 41(1)(b), 23(1) and 24(1) of the Freedom of Information Act were properly applied. I believe that the balance of the public interest was fully considered for the reasons set out in our letter of **18 February**. I have therefore concluded that I should uphold the decision given in our letter.

I have considered the points you make about the public interest in disclosing redacted material in this case. The Commission is aware of the press reports and speculation regarding this case. However, in my opinion this does not outweigh the importance of confidentiality with regard to individual peerage cases in order to protect the integrity of the system.

In the ICO decision number FS50830858, I note the Commissioner found that, in paragraph 24 of his judgement:

*With regard to the weight that should be attributed to maintaining the section 37(1)(b) exemption, as a general principle the Commissioner accepts the Cabinet Office's fundamental argument that for the system to operate efficiently and effectively there needs to be a level of confidentiality which allows those involved in the system to freely and frankly discuss nominations. Furthermore, the Commissioner accepts that if views and opinions, provided in confidence, were subsequently disclosed then it is likely that those asked to make similar contributions in the future may be reluctant to do so or would make a less candid contribution. Moreover, the Commissioner also accepts that disclosure of information that would erode this confidentiality, and thus damage the effectiveness of the system, which would not be in the public interest.*

Additionally, at paragraph 27, the Commissioner, in relation to the effect that the release of information held might have on other cases of a similar nature:

*In the Commissioner's view to do so would result in too great an infringement into the safe space needed... and would result in too great a chilling effect risk in respect of discussions in future cases.*

I consider that the same principles are in play for your current request and that the balance of judgement about the public interest carries a similar weight favouring confidentiality. In reaching this judgement, I have also considered your email citing Lord Lebedev's tweet of 29 March 2022, in which he indicated that he would not object to the release of vetting material. I do not consider that Lord Lebedev's position materially changes the Commission's obligations or the public interest test under FOIA or in respect of the individual's data rights.

I have further considered the Humble Address motion in the House of Commons on 29 March which called for, among other things, "any document held by the Cabinet Office or the Prime Minister's Office containing or relating to advice from, or provided to, the House of Lords Appointments Commission concerning the appointment of Evgeny Alexandrovich Lebedev as a Member of the House of Lords". You will be aware that the passing of that motion requires the Government to release such information by 28 April. The Commission is not responsible for material held by the Government; however, the motion may result in material which originated with the Commission entering the public domain. The Government's material may serve to address some of the public interest points you have raised.

Therefore, on balance, I believe that the public interest continues to be maintained by the withholding of the information held.

If you are unhappy with the handling of your request for information, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

**Secretariat to the House of Lords Appointments Commission**