

HOUSE OF LORDS
APPOINTMENTS COMMISSION
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Internet: <http://lordsappointments.independent.gov.uk>
E-mail: enquiry@lordsappointments.gov.uk

Ref: HOLAC FOI 2025/4
19 February 2025

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 7 February 2025.

You requested:

Copies of all material created between 1st January 2020 and 31st December 2022 which relates to Claire Fox. I want to remind you of the judgement of the First Tier Tribunal in regards to the disclosure of the same information for Charlotte Owen and Ross Kempshall, which confirms that such information falls within the scope of the legislation.

Your request relates to an individual who was vetted by the Commission and subsequently awarded a peerage. As such, we consider that this request engages Section 37(1)(b) of the Freedom of Information Act 2000, where the information refers to the conferral by the Crown of any honour or dignity. As a peerage is a dignity, and as Section 37 is a qualified exemption, we have carried out a public interest test on whether this information should be disclosed.

In favour of releasing the information, there is a public interest in understanding how the peerage appointments system works and why specific individuals have been appointed to serve in the House of Lords. There is also an interest in making the peerage appointment system as accountable and transparent as possible, and understanding the process that would lead to an individual not being supported on propriety grounds. In favour of maintaining the exemption, it is important to the integrity of the system that candidates have a right to privacy, and there are legal provisions around confidentiality and personal data. There is an interest in protecting the confidentiality of the consideration of individual nominees and ensuring that potentially sensitive vetting information can be candidly assessed.

In light of the Tribunal decision you mentioned ([FT/EA/2024/0108](#)), as well as the recent decision by the government to begin publishing citations for individuals who

are appointed to the House of Lords, it is agreed that the citation for Baroness Fox can be released, and has been attached to this response. As for the other information in scope, including her vetting information and the Commission's advice to the Prime Minister, the Commission takes the position that confidentiality must be respected to maintain the integrity of the process. This position was recently upheld in that case, where the appellant sought all created materials for two previously appointed peers. It was ruled that HOLAC must provide copies of the citations (as we have done here), but that the remaining material had been correctly withheld. I therefore consider that the balance of the public interest lies in maintaining the section 37(1)(b) exemption for the requested information, with the exception of the attached document.

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 and other participants in the process 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 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