

**HOUSE OF LORDS**  
**APPOINTMENTS COMMISSION**  
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**Ref: HOLAC FOI 2025/12**

26 August 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 (The Commission) initially received on 11 October 2024.

You asked:

*In view of the recent tribunal decision in Rosenbaum:*

<https://caselaw.nationalarchives.gov.uk/ukftt/grc/2024/1132>

*I now remake my earlier FOIA request dated 15 April 2024 [HOLAC [FOI2024/8](#)] , de novo.*

Your previous request asked for:

*“copies of all information held by HOLAC on and occasioned by Mr Littlewood's nomination.”*

The Commission previously refused this request on 13 January 2025, relying on section 14(2) of FOIA. We argued that the circumstances of the referenced tribunal decision did not materially affect our initial response, making this a repeated request. Following our internal review, you referred this case to the ICO, who determined (in case IC-359036-X7H7) that HOLAC was not entitled to rely on section 14(2) of FOIA to refuse this request. As requested, we are therefore providing a fresh response that does not rely on Section 14(2).

As set out in our response to your first request for this information (FOI2024/8, received on 15 April 2024), we consider that this request engages Section 37(2) of the Freedom of Information Act, which refers to the duty to confirm or deny whether information is held if it would otherwise be exempt (in this instance) under Section 37(1)(b), 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 to confirm if this information is held.

In favour of confirming whether information is held, 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 not confirming, it is important to the integrity of the system that unsuccessful candidates have a right to privacy, and there are legal provisions around confidentiality and personal data that continue to apply in such cases. It would not be a fair precedent to say that individuals who the Commission does not support will then be named publicly, with their confidential information shared. Additionally, the public interest is considerably lower in cases where an individual has not been appointed, as they will not be taking on the responsibilities associated with being a member of the House of Lords. To confirm an unsuccessful nomination would be to invite speculation about potential probity issues, with resultant reputational consequences for the individual - even were their appointment not ultimately made for other reasons (such as withdrawal from the process; a change in the anticipated role they might play in the House; or timing reasons).

We have also factored in whether the decision notice that you have highlighted (in case FT/EA/2024/0108) would have bearing on the public interest test in this instance. We note that the decision notice asked the Commission to “*disclose a copy of the citations relating to The Rt Hon the Baron Kempsey of Letchworth ... and the Rt Hon the Baroness Owen of Alderley Edge*”. These were two individuals who the Commission carried out vetting for, and who subsequently took their seats in the House of Lords. The decision notice did not ask the Commission to release any information regarding the vetting of these two individuals, beyond what was included in the citations provided for them.

The information you have requested relates to an individual for whom the Commission is unable to confirm or deny whether vetting was carried out, and who has not been appointed to sit in the House of Lords. The arguments as to whether the Commission should first confirm whether an individual was vetted by the Commission, and secondly provide that information, are not the same as those in FT/EA/2024/0108. As highlighted above, the public interest in confirming whether this information is held is significantly lower in this case, given that, unlike Baroness Owen and Lord Kempsey, Mr Littlewood does not currently sit in the House of Lords.

On balance, it remains our view that the public interest supports neither confirming nor denying whether the Commission holds information in the scope of your request.

Additionally, and as you have noted, there may be other data protection principles in play, were the Commission to confirm or deny an unsuccessful peerage nomination. These include section 40(2) protecting the information of the data subject, which is an absolute exemption; and section 41, information provided in confidence. The Commission's forms and website make clear that nominee material will be held in confidence.

It is worth also noting that under paragraph 15 of Part 2 of Schedule 2 to the Data Protection Act 2018, an unsuccessful peerage nominee would not themselves be eligible to receive the information you have requested. Paragraph 15 disapplies the requirement under Article 15 UK GDPR to respond to subject access requests when personal data is processed for the purposes of the conferring by the Crown of any honour or dignity. It would be invidious for the data subject to be unable to access material about themselves under the DPA, which is then provided to a requestor under FOIA.

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 the Commission.

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**