

**HOUSE OF LORDS  
APPOINTMENTS COMMISSION**

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**Ref: HOLAC FOI 2021/09**

10 December 2021

By email: <REDACTED>

**Freedom of Information Act**

I am replying to your Freedom of Information request, which the House of Lords Appointments Commission (HOLAC) received on 14 November 2021.

You asked:

*No doubt you are aware of the scandal regarding the allegations of cash for peerages. As I currently understand it when candidates are put forward by political parties, both the party and the individuals concerned have to sign statements making certain claims. The headlines that have been appearing over recent days would appear to strongly suggest that this is insufficient when it comes to ensuring certain levels of propriety and that the wrong people could be managing to make it through whatever vetting process is currently in use as a result. I also understand that the commission effectively only has an advisory role: the Prime Minister can still continue recommending a peerage for an individual even if the commission has serious reservations about the candidate.*

*Please could you provide me with the following:*

- *A list of checks made against each candidate when verifying their suitability.*
- *What changes, if any, the commission plans to make to the vetting process to try and ensure that these apparent failures are not repeated.*
- *With respect to all conservative ex-party treasurers put forward as potential peers within the past seven years, and irrespective of whether they were finally given peerages:*
  - *How many were approved by the commission?*
  - *How many were rejected by the commission?*
  - *What checks for suitability, if any, did they fail?*
  - *How many acknowledged any donations to the conservative party in the requisite statement provided by them to the commission?*

Your request has been dealt with under the Freedom of Information Act 2000 (the Act) and following a search of our paper and electronic records, I have established that HOLAC does hold some of the information you requested.

The information held by the Cabinet Office within the scope of part 1 of your request is exempt under section 21(1) of the Freedom of Information Act. Section 21 exempts information if this is reasonably accessible to the applicant by other means. Section 21 is an absolute exemption and the Cabinet Office is not required to consider whether the public interest favours disclosure of this information. You will find information about steps taken to vet political nominees on our website:

<https://lordsappointments.independent.gov.uk/>

It is important to note that The Commission's remit and responsibility does not extend to the suitability of political appointments. The Commission plays no part in assessing the suitability of those nominated by the political parties, which is a matter for the parties themselves.

I can confirm that the Commission does not hold any information regarding your second question.

The information you have requested in relation to questions 3a, 3b, 3c and 3d falls within sections 37(1)(b) (the conferring by the Crown of an honour or dignity and Section 40(2) (personal information).

Section 37(1)(b) is not an absolute exemption and is subject to the public interest test which we have considered in relation to your request. We have weighed up whether the public interest is better served by release of this information or withholding it. We appreciate the importance of transparency in government which encourages public interest in and interaction with the work of government. We also recognise that there is a public interest in the workings of the House of Lords Appointments Commission. However, this must be weighed against the importance of confidentiality with regard to peerages, which is essential to protect the integrity of the conferring of a dignity and without which the system could not function.

Having considered all the circumstances of this case, we have concluded that the public interest is better served by withholding some of the information exempt under section 37(1)(b).

In relation to your questions that seek to obtain personal and identifiable information, we consider that Section 40 (2) of the Freedom of Information Act applies in those cases as it may be possible to identify individuals with the requests you have made. The names, probity checks and other personally-identifying information about the nominees themselves constitute personal data. Section 40(2) of the FOI Act allows public authorities to withhold personal data if disclosure would contravene any of the data protection principles listed in the Data Protection Act 2018. 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 (including their names and vetting information) 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).

Finally, the Commission publishes reports which contain information about whether it has been unable to support a nomination made and from which political party said nomination has come from. The most recent report can be found at: <https://lordsappointments.independent.gov.uk/commissionreports>.

If you are unhappy with this response to your request, you may write to the Secretary to the Commission, Alison Bennet, 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**