

**HOUSE OF LORDS  
APPOINTMENTS COMMISSION**

Room G/40, 1 Horse Guards Road, London SW1A 2HQ

General Enquiries: 07872 828699

Internet: <http://lordsappointments.independent.gov.uk>

E-mail: [enquiry@lordsappointments.gov.uk](mailto:enquiry@lordsappointments.gov.uk)

**Ref: HOLAC FOI 2022/7**

11 April 2022

By email: <REDACTED>

**Freedom of Information Request**

I am replying to your Freedom of Information request, which the House of Lords Appointments Commission (HOLAC) received on 13 March 2022.

You asked:

*“Current reporting indicates:*

*The House of Lords appointment commission (Holac), which scrutinises nominations, had asked Downing Street to reconsider in March 2020 Evgeny Lebedev’s nomination after hearing evidence from Britain’s security services that Lebedev was deemed a potential security risk.*

*Could the authority provide a response to the following FOI:*

*In relation to the matters described above, please THE NUMBER OF RECORDS held, such as correspondence, memoranda, documents, reports, records, statements, notes, examinations, opinions, forms, electronic mail, and other documents and things that relate to Lebedev deemed a potential security risk.*

*Just to clarify the requestor is not seeking a copy of the records held, just a numerical value of how much recorded information Holac holds.*

*There is a vast public interest in this, notwithstanding the letter from Rt Hon Kier Starmer to Lord Bew on the 12th March.*

*If the authority intends to cite any provision in Section 24 in the FOI Act. Such as the part (2) to refuse to confirm if records are held due to safeguarding national security. The requestor would remind the authority of the ICO guidance Section 24 is subject to the public interest test. It is the interests of the UK and its citizens that are of concern.*

*The requestor would also like to highlight the very limited scope of the request, not asking for whole documents to be released, but instead a total number of records held. This information should not prejudice any aspect of national security.”*

I am writing to advise you that following a search of our paper and electronic records, we can neither confirm nor deny that the information you requested is held by the House of Lords Appointments Commission (HOLAC).

We neither confirm nor deny whether we hold the information you have requested under section 37(2). Section 37(2) of the Act provides that the duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1). This response should not be taken as an indication that the information you requested is or is not held by HOLAC.

Under section 23(5) of the Act, HOLAC neither confirms nor denies whether it holds any information which would be in scope of the type you have requested, on the grounds that it would, if held (which is neither confirmed nor denied), be supplied by, or relates to, one of the security bodies listed under section 23(3) of the Act. Section 23 is an absolute exemption and HOLAC is not required to consider whether the public interest favours confirmation or denial as to whether this information is held.

Under section 24(2) of the Act, HOLAC neither confirms nor denies whether it holds any information that would be in scope of the type you have requested on the grounds that it would, if held (which is neither confirmed nor denied), be required for the purposes of safeguarding national security. Section 24 is a qualified exemption and we have considered whether the balance of the public interest favours confirming or denying whether information of this type is held. There is a general public interest in openness in government, which may increase public trust in and engagement with the Government. However, we consider that there is a stronger public interest in neither confirming nor denying whether information of this type is held. We consider that the confirmation or denial as to whether information of this type is held would have the effect of damaging national security. Such an outcome would plainly not be in the public interest. We have therefore determined that the public interest is in favour of neither confirming nor denying whether information of this type is held.

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**