

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 17 February 2009

Public Authority: House of Commons
Address: London
SW1A 0AA

Summary

The complainant submitted a request to the House of Commons (HoC) for copies of all expense claims submitted by Irene Adams, former MP for Paisley North. The HoC explained to the complainant that it only held records for the financial years 2004/05 and 2005/06. The HoC referred the complainant to its website where some of the information he had requested was available. The HoC refused to disclose any further detailed information about the MP's expenses as to do so would breach the data protection principles and was therefore exempt from disclosure under section 40 of the Act.

During the course of the Commissioner's investigation the HoC provided the complainant with further detailed information falling within the scope of the request, including copies of the original claim forms submitted by the MP. Also during the course of the Commissioner's investigation a statutory instrument (SI) came into effect which removed the HoC from the Act with regard to information relating to MPs' addresses and regular travel undertaken by MPs. As a consequence of this SI, the Commissioner has concluded that the HoC is no longer a public authority for certain classes of information which are held by the HoC and which fall within the scope of this request.

The Commissioner has also concluded that the HoC does not hold any further recorded information falling within the scope of this request that does not fall within the classes of information set out in the SI.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 21 April 2007 the complainant submitted the following request to the House of Commons ('HoC'):

'Please provide copy of all expenses claims by Irene Adams former MP for Paisley North'.
3. The HoC acknowledged receipt of this request on 26 April 2007 and explained that it retained allowance information for the current year and for the three previous financial years. Therefore the HoC explained that the request will be considered in terms of the information held for the financial years 2004/05 and 2005/06 when Ms Adams ceased to be an MP.
4. On 21 May 2007 the HoC provided the complainant with a response to his request. The HoC explained that the information requested, namely the expenses and allowances claimed by Mrs Adams, constituted her personal data and therefore disclosure had to be made with regard to the data protection principles. The HoC explained that it believed that such information could be properly disclosed to the extent provided in the HoC Publication Scheme. The HoC noted that following a recent Information Tribunal decision, the Scheme had been extended to include a breakdown of Members' travel claims by the mode of transport used. The HoC provided the complainant with a website link to this information. However, the HoC informed the complainant that it had concluded that to disclose information additional to that in the extended Publication Scheme would not be consistent with the data protection principles and it was therefore exempt from disclosure by virtue of section 40 of the Act.
5. On 15 June 2007 the complainant asked the HoC to conduct an internal review of its decision to withhold some information in response to his request.
6. The HoC provided the complainant with the outcome of the internal review on 26 July 2007. This review explained that it had considered that disclosure of any further disaggregation of the figures held by the HoC would be in breach of the first data protection principle and therefore the original decision to withhold this information on the basis of section 40 of the Act was correct. (The HoC response noted that the Information Tribunal was in the process of considering a number of appeals following decision notices issued by the Commissioner which would address the arguments for and against the further disaggregation of MPs' expenses.)

The Investigation

Scope of the case

7. On 3 August 2007 the complainant contacted the Commissioner to complain about the HoC's decision to refuse to provide copies of **all** of the expense claims submitted by Mrs Adams.
8. During the course of the Commissioner's investigation the scope of this case narrowed significantly. This was a result of two developments: Firstly, the fact that during the Commissioner's investigation the HoC provided the complainant with further information which was originally withheld. Secondly, the effect of the Statutory Instrument 2008 No. 1967 which was introduced in July 2008 which removed the HoC from the scope of Act for certain classes of information.
9. The Chronology section below details the additional information which was provided to the complainant during the course of the Commissioner's investigation. The effects of the introduction of the Statutory Instrument (the 'SI') are set out in the remainder of the Scope section which follows.
10. In submissions to the Commissioner the HoC argued that as a consequence of the SI, it was no longer a public authority for information which related to Mrs Adams' addresses or expense claims she had submitted for 'regular travel'. In effect, the Commissioner understands that the HoC believed that the SI could be applied retrospectively to requests that had been made prior to the introduction of the SI.
11. The Commissioner disagrees with this interpretation of the SI for the following reasons: amendments, such as the SI which is focus of this case, come into force on the day indicated in each SI (in this case 23 July 2008) and should be regarded as effective from that day unless it explicitly provides otherwise. Having reviewed the SI itself it is clear that there is no provision contained within it which indicates that it will apply retrospectively.
12. Therefore, in the Commissioner's opinion at the time when the HoC received this request for information, i.e., 21 April 2007, it **was** a public authority with regard to information relating to Mrs Adams' addresses and regular travel claims she had submitted. In the Commissioner's opinion the SI introduced in July 2008 does not affect this fact.
13. Under section 50(4) of the Act the Commissioner can issue a decision notice which includes steps a public authority must take in order to comply with the Act; such steps can include disclosing information. However, such a notice must be issued on a **current** public authority. For the information relating to MP's addresses and information held by the HoC which relates to regular travel, the HoC is no longer, because of the SI, a public authority. As the HoC is no longer a public authority for such information, the Commissioner does not have any jurisdiction with regard to such information.

14. This means that although the complainant originally disputed the HoC's decision to withhold Mrs Adams' addresses, the Commissioner cannot take any further action in relation to his point of complaint.
15. Similarly, although the complainant asked to be provided with the copies of the documents Mrs Adams' submitted in support of her travel claims, having reviewed the claims that were made – i.e. those detailed in the spreadsheet disclosed to the complainant – the Commissioner has established that all of these claims, except one, can be said to relate to regular travel which was undertaken by Mrs Adams. (The Commissioner understands regular travel to be between the House of Commons, an MP's constituency address and their residential London address should they have one). Therefore, although the complainant wishes to be provided with the documents that Mrs Adams submitted to support these regular travel expense claims, the Commissioner does not have any jurisdiction with regard to such information.
16. The one exception to this is a claim for £443.50 for two rail journeys. The HOC has explained that it does not have any records which show what these journeys were for and therefore cannot confirm whether they relate to travel which was regular in nature. By default the Commissioner believes that the HoC remains a public authority for any recorded information which may be held in relation to this specific travel claim.
17. Consequently, because of the affect of the SI and the disclosure of significant amounts of information, the scope of the case at the time of this notice is limited to whether the HoC holds any further recorded information in relation to a specific travel claim made by Mrs Adams for £443.50 and to whether the HoC holds any further recorded information in relation to equipment bought for her constituency office.

Chronology

18. On 8 April 2008 the Commissioner wrote to the HoC with regard to this complaint. The Commissioner noted that since the complainant had submitted his request in April 2007 there had been a significant number of developments with regard to disclosure of information relating to MPs' expenses under the Act, including a number of Information Tribunal decisions. The Commissioner therefore asked the HoC to clarify its current position with regard to the complainant's request in light of these developments.
19. On 1 May 2008 the HoC informed the Commissioner that in light of recent decision notices and Information Tribunal decisions, the HoC was prepared to provide the complainant with additional information to that previously disclosed to him in May 2007. The HoC explained that this additional information would be provided in line with the format set out in the recent decision notices on cases FS50083202 and F50134623. The HoC explained that it intended to prepare and disclose this information as soon as possible.
20. The HoC contacted the complainant on 6 June 2008 and explained that as previously communicated to the Commissioner it was prepared to disclose further

information that fell within the scope of his request. The HoC also noted that on 16 May 2008 the High Court had issued its decision in relation to an appeal brought by the HoC.¹ The HoC explained that it accepted the High Court's decision and as a consequence was intending to publish in late 2008 a full breakdown of all MPs' expenditure for the period 2004/05 to 2007/08 (albeit with a number of minor redactions provided set out in the Tribunal decision which the High Court upheld). The HoC explained to the complainant that it would however ensure that he was provided with the information relevant to his request as soon as practicably possible.

21. On 11 July 2008 the HoC provided the complainant with copies of the claim forms submitted by Mrs Adams along with any supporting documentation in relation to the Additional Costs Allowance and Incidental Expenses Provisions for 2004/05 and 2005/06 together with information about the other allowances in accordance with the decisions issued by both the Commissioner and the Information Tribunal. However, the HoC explained that it had removed information not relevant to this request or which fell within one of the Tribunal's approved categories for redaction.
22. The complainant subsequently informed the Commissioner that he disputed the redactions that had been made to the documents that had been disclosed to him.
23. Consequently on 28 July 2008 the Commissioner asked the HoC to provide him with unredacted copies of the documents that had been disclosed as well as an explanation as to why certain redactions had been made.
24. The HoC provided these documents to the Commissioner on 8 August 2008 along with a detailed explanation as to why it had made a number of redactions. In particular the HoC noted that it had redacted details of Mrs Adams' addresses (i.e. those of her London residence and her constituency address) because following the SI introduced on 23 July 2008 the HoC was no longer a public authority for such information.
25. On 20 August 2008 the Commissioner contacted the complainant and explained that he had now reviewed all of the redactions made by the HoC. The Commissioner explained that he had established that these redactions had been made to the following classes of information:
 1. Personal data of third parties
 2. Account and financial reference numbers
 3. The MP's private contact details (e.g. telephone, fax, email)
 4. The MP's signatures
 5. The constituency address of the MP
 6. The address of the property for which the MP claimed the Additional Cost Allowance.

¹ [Corporate Officer of the House of Commons v Information Commissioner \[2008\] EWHC 1084 \(Admin\) \(16 May 2008\).](#)

26. The Commissioner explained to the complainant that with regard to the information described at items 1 to 3 he was satisfied that these had been made in line with the guidance provided by the Tribunal in its decision of February 2008. With regard to the information at item 4, the Commissioner explained to the complainant that he agreed that it was appropriate in this case for the HoC to remove signatures in order to ensure that there was no risk of identity theft from placing individuals' signatures in the public domain.² (Although the Commissioner accepts that it is plausible to suggest that an individual could write to an MP and thus obtain the MP's signature on the response letter, the Commissioner notes that in this case Mrs Adams is no longer a sitting MP. Therefore on the basis of the reasoning set out at the press release cited at footnote 2, the Commissioner believes that removal of Mrs Adam's signatures is an appropriate step to take). With regard to the information falling within classes 5 and 6, i.e. the MP's addresses, the Commissioner explained to the complainant that he was in the process of considering the implications of the SI.
27. The complainant subsequently contacted the Commissioner in order to raise two issues which he believed to be outstanding. Firstly, the complainant noted that although the information of which he was in receipt included the amount spent on air fares, he had not been given the actual receipts for these expense claims. The complainant also noted there was no reference of who travelled on these flights. Secondly, the complainant noted that a significant amount of money had been spent on second hand furniture but there were no details as to what was bought or indeed what happened to this furniture after the MP stood down from the HoC.
28. On 16 September 2008 the Commissioner contacted the HoC in order to clarify whether information relating to Mrs Adams' travel expenses had been provided to the complainant as part of the disclosure made the previous month. (The information which the HoC had provided to the Commissioner had not included any reference to the disclosure of travel expense information).
29. The HoC contacted the Commissioner on 19 September 2008 and confirmed that the complainant had been provided with details of the travel expenses claimed by Mrs Adams and provided the Commissioner with a copy of this disclosure. This disclosure took the form of a summary of expenditure compiled in a spreadsheet rather than provision of redacted original documents. The HoC noted that this was in line with the approach taken in the decision notice of FS50073293. The HoC also provided the Commissioner with an explanation as to the nature of the raw information actually held by the HoC along with a copy of the spreadsheet that had been provided to the complainant.
30. The Commissioner contacted the HoC on 8 October 2008 and asked for clarification as to the nature of the information held by the HoC in relation to a number of specific figures included in the spreadsheet which it had provided to the complainant. The Commissioner also asked the HoC to clarify its position with regard to how the SI affected the HoC's coverage with regard to travel expense information.

² The Commissioner's office has issued a press release on this issue which can be viewed here: http://www.ico.gov.uk/upload/documents/pressreleases/2007/ken_macdonald_local_auth%20website_sigs_letterfinal.pdf

31. The Commissioner received this clarification from the HoC on 24 October 2008. The HOC confirmed that as the SI also removed it from the Act for information which related to 'regular travel', in addition to information about MPs' addresses, it was no longer a public authority for the raw information which was used to compile the spreadsheet detailing travel expense which provided to the complainant.
32. On 5 December 2008 the Commissioner contacted the complainant and explained his position on the effect of the SI (see the 'Scope of the case' section above). The Commissioner therefore explained that the affect of the SI meant that there were only two outstanding issues of complaint which fell within the Commissioner's jurisdiction, firstly whether the HoC held any further information about a specific travel claim for £443.30 and secondly whether the HoC held any further recorded information about the office equipment bought by Mrs Adams. The Commissioner also explained to the complainant that he was satisfied that the HoC did not hold any further information in relation to these two categories of information and provided the complainant with a detailed explanation for this conclusion. The Commissioner explained to the complainant that although he could issue a decision notice in relation to these two points, it would simply conclude that no further information was held and thus the decision notice could not issue any steps that the HoC would have to take. The Commissioner therefore invited the complainant to withdraw his complaint.
33. The complainant telephoned the Commissioner's office on 12 December 2008 and confirmed that he wanted a decision notice to be issued in relation to his complaint.

Findings of fact

34. Since 2004, MPs' spend against allowances has been published each year on the Parliamentary website. The figures comprise annual totals for the following elements:
 - MPs' Additional Costs Allowance (ACA) and/or London Supplement
 - Incidental Expenses Provision (IEP)
 - Staff Costs
 - MPs' travel
 - MPs' staff travel
 - Centrally purchased stationery
 - Central IT provision
 - Other central budgets (such as temporary secretarial allowance)
35. The provision of **Travel** entitlements for MPs is done on the basis that reasonable travel and associated parking for the MP's vehicle will be paid for provided that the costs are wholly exclusively and necessarily incurred on Parliamentary duties. This includes travel on the recognised direct route between any two of the following three points: the MP's main home, Westminster, the constituency. Travel within the MP's constituency, within the UK and European travel is also included.

36. The provision of the **IEP** is available to MPs to meet the costs incurred by MPs in carrying out their Parliamentary duties. It cannot be used to meet personal costs, or costs of party political activities or campaigning. The main areas of expenditure incurred include the costs of the following: accommodation for office or surgeries, work commissioned and other accommodation related services, certain travel and communications. This may include for instance expenditure on the following: rental, surveyors and lawyers fees, payments to utilities (rates, water, gas, and electricity), insurance for the office premises, postage, etc.
37. **Staffing** expenses are available to MPs to cover the provision of staff to assist the MP in the performance of their Parliamentary duties. Allowable expenditure within this allowance includes by way of example the following: staff salaries and employer's National Insurance contributions, overtime payments and reasonable cover for staff absences.
38. The provision of an **ACA** recognises that MPs who live outside Greater London need to maintain a residence within a convenient distance from Westminster if they are to carry out their public functions effectively. Alternatively, if they decide to establish their family residence within a convenient distance of Westminster, they need to maintain a secondary residence in the constituency for use on those occasions when they visit their constituency.
39. **Central IT provision** includes the provision of computers and other IT equipment, free of charge, on loan to MPs for Parliamentary use only.
40. **Centrally purchased stationery** includes the provision of stationery items ordered from a central supplier for use in direct connection with a Member's Parliamentary duties. Postage associated with the use of centrally purchased stationery includes pre-paid postage ordered from the central supplier for use in direct connection with a Member's Parliamentary duties.
41. **Other central budgets** includes the winding-up allowance (WUA) which is payable to defeated or retiring Members after they date on which they cease to be MPs. This covers the reimbursement of the cost of any work necessary, including staff and office costs, to conclude their parliamentary business after the date on which they cease to be MPs.
42. On 23 July 2008 Statutory Instrument 2008 No. 1967 came into force. This SI removed both the HoC and the House of Lords from Schedule I of the Act in respect of certain classes of information. This information included 'information relating to any residential address of a member of either House of Parliament' and 'information relating to travel arrangements of a member of either House of Parliament, where the arrangements relate to travel that has not yet been undertaken or is regular in nature' (sections 2(2)(a) and (b) of the SI).
43. Mrs Irene Adams was MP for the constituency of Paisley North from 1990 until the general election of May 2005.

Analysis

Section 1

44. Section 1 of the Act provides a general right of access to recorded information held by public authorities. Section 1(1) states that:

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

45. The complainant has alleged that the HoC has not provided him with recorded information in respect of details of furniture bought by Mrs Adams under the IEP allowance and furthermore has failed to provide him with recorded information relating to what happened to this furniture once Mrs Adams was no longer an MP.
46. The complainant also argued that he had not been provided with copies of receipts and further recorded information held by the HoC in relation to the travel expense claims made by Mrs Adams. For the reasons set out in the Scope section of this notice the Commissioner does not have the jurisdiction to issue a decision notice in relation to the information held about the vast majority of the travel claims submitted by Mrs Adams. The only exception to this is whether the HoC holds any further recorded information in relation to one particular travel claim for £443.50.

Information in relation to travel claim of £443.50

47. During the course of the Commissioner's investigation, the complainant queried why he had not been provided with the actual receipts for the travel claims that Mrs Adams had submitted.
48. For the reasons set out in the Scope section, the only travel claim which the Commissioner can formally consider as part of a decision notice is the travel expense of £443.50 which the HoC reimbursed Mrs Adams for 2 rail journeys.
49. The Commissioner has established that the HoC has searched its records in relation to Mrs Adams' expense claims and it could not locate any further recorded information in relation to the two travel claims submitted by Mrs Adams for the amount of £443.50 beyond the information which stated that this amount had been paid for two rail journeys. Clearly, if the HoC did hold any further recorded information in respect of this claim – i.e. the actual journey(s) for which the claim was made – then the HoC would be in a position to confirm whether the claim related to regular travel and thus for the reasons detailed in the 'Scope of the case' section, the HoC would no longer be considered to be a public authority for the purposes of the Act in respect of this travel claim.

50. Given the thoroughness of the HoC's previous searches which have located the original claim forms submitted by Mrs Adams and disclosed to the complainant, and the detailed travel information subsequently provided to the complainant in the format of a spreadsheet, the Commissioner is satisfied that if any further recorded information was held by the HoC in relation to the figure of £443.50 it would have been located. Furthermore, the HoC has explained to the Commissioner that for the period in which Mrs Adams submitted these travel claims, the HoC did not necessarily hold the information about the destination of a rail ticket that had been purchased. This is because the prior to the 2006/07 allowance year, MPs travelling by rail were issued with a book of warrants which were then used to purchase rail tickets. The HoC holds scans of all used warrants recorded alongside an electronic record of the cost of journeys made. A separate database matches the cost information to records relating to the warrants issued to each MP. While the number of warrants used, and the overall cost per MP can be identified, it is not possible to use such information to identify the date of travel and it is not always possible to identify the destination of each ticket purchased.
51. In cases where it is disputed whether information is in fact held by a public authority, the Commissioner applies the civil standard of proof of the balance of probabilities. In light of reasons set out above, on the balance of probabilities the Commissioner is satisfied that the HoC does not hold any further recorded information about the travel claim for £443.50.

Information in relation to claims for furniture

52. The complainant has queried why the information provided to him by the HoC did not include more detailed descriptions of the furniture and equipment that was bought by Mrs Adams, or indeed any indication as to what happened to this furniture once Mrs Adams stood down from the HoC at the general election in May 2005.
53. The Commissioner has established that Mrs Adams submitted two separate claims forms for office equipment. The first was submitted on 28 October 2004 for the amount of £2000 and related to the purchase of office furniture. The second was submitted on 14 October 2004 for the amount of £57.99 for the purchase of fax ribbon. In support of both claims Mrs Adams provided the HoC with the invoices that were provided by the companies that supplied the equipment. Both of these invoices, along with the covering claim forms have now been disclosed to the complainant.
54. Although the Commissioner acknowledges that the invoice for the claim of £2000 is somewhat less detailed than the invoice for £57.99, under the rules in place at the time these expense claims were submitted MPs simply had to submit an invoice to support such expense claims. (The IEP claim forms for this period clearly state that MPs must 'attach certified receipts/invoices for all equipment & software lease or purchased') Therefore, although the invoice relating to the furniture simply reads:

'4 x Exec Operator Chairs - £600
1 x Leather Exec Chair - £150

- 4 x Secretarial Return Desks - £800
- 1 x High Storage Unit - £150
- 4 x Visitors Chairs - £300'

and does not provide any further details about this furniture (except to note that all items were second hand) Mrs Adams did not need to submit a more detailed invoice in order to comply with the claim procedures in place; she simply needed to submit an invoice. Therefore the Commissioner believes that on the balance of probabilities, it is reasonable to conclude that the HoC does not hold any further recorded information in relation to the equipment and furniture for which Mrs Adams submitted claims.

55. With regard to what happened to the office furniture once Mrs Adams stood down from the HoC, the Commissioner understands that expense system operated by the HoC for the time period covered by this request, when an MP leaves the HoC, i.e. the Winding Up Allowance (WUA), did not require MPs to state what would happen to any office furniture, or indeed any other equipment.
56. Furthermore, and in contrast to the instructions on the IEP forms discussed in paragraph 54 above, the WUA claims forms only required MPs to provide 'all receipts and invoices for claims of £250 or more'. The Commissioner has reviewed the four WUA forms submitted by Mrs Adams and established that none of the claims exceeded £250.³ Therefore, in support of these claims Mrs Adams would not have needed to submit any receipts or supporting documentation and therefore the HoC would have no need to hold any further recorded information in relation to the WUA forms. Consequently, although one of Mrs Adams' WUA forms includes a £225.00 claim for 'REMOVALS' and this may well have involved the removal of office furniture, no receipt or invoice was submitted to the HoC for this claim so although one may argue that such an invoice may have included details such as where this furniture was removed to, the HoC do not hold such an invoice. Again on the balance of probabilities the Commissioner is satisfied that the HoC does not hold any recorded information which details what happened to the office furniture or other equipment Mrs Adams purchased once she had stood down from the HoC.

Procedural breaches

57. However, the Commissioner has concluded that in handling this request the HoC also committed a number of procedural breaches of the Act.
58. Firstly, by failing to provide the complainant with some information within 20 working days of his original request the Commissioner has concluded that the HoC breached section 1(1)(b) of the Act.
59. Secondly, in order to comply with the requirements of section 17(1)(b) of the Act, when public authorities issue a refusal notice to a requestor it must contain details of the specific sub-section of an exemption upon which they are seeking to rely. The refusal notice issued in response to this request stated that the HoC was

³ These forms were part of the disclosures made by the HoC to the complainant on 11 July 2008.

seeking to rely on section 40, rather than the specific sub-sections of section 40 upon which the HoC was in fact seeking to rely on.

The Decision

60. The Commissioner's decision is that the HoC does not hold any further recorded information in relation to the travel claim submitted by Mrs Adams for rail fares totalling £443.30 nor any further recorded information in relation to equipment bought by Mrs Adams for her constituency office.
61. However, in handling this request the Commissioner has concluded that the HoC breached section 1(1)(b) of the Act by failing to disclosure information within 20 working days of the date of the request.
62. The Commissioner has also concluded that the HoC breached section 17(1)(b) by failing to provide the complainant with a refusal notice detailing the specific sub-sections upon which it was seeking to rely.

Steps Required

63. The Commissioner requires no steps to be taken.

Right of Appeal

64. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 17th day of February 2009

Signed

**Richard Thomas
Information Commissioner**

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

Legal Annex

Freedom of Information 2000

Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 17(1) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.”

Section 40(2) provides that –

“Any information to which a request for information relates is also exempt information if-

(a) it constitutes personal data which do not fall within subsection (1), and

(b) either the first or the second condition below is satisfied.”

Section 40(3) provides that –

“The first condition is-

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection

Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

- (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.”

Statutory Instrument 2008 No. 1967 Freedom of Information

Amendment of Schedule I

2.—(1) Part 1 of Schedule 1 to the Freedom of Information Act 2000 is amended as follows.

(2) In paragraph 2, after “The House of Commons” insert—

“, in respect of information other than—

(a) information relating to any residential address of a member of either House of Parliament,

(b) information relating to travel arrangements of a member of either House of Parliament, where the arrangements relate to travel that has not yet been undertaken or is regular in nature,

(c) information relating to the identity of any person who delivers or has delivered goods, or provides or has provided services, to a member of either House of Parliament at any residence of the member,

(d) information relating to expenditure by a member of either House of Parliament on security arrangements.

Paragraph (b) does not except information relating to the total amount of expenditure incurred on regular travel during any month.”