

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 30 June 2016

**Public Authority:** House of Commons  
**Address:** Parliament Square  
London  
SW1A 0AA

#### Decision (including any steps ordered)

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1. The complainant submitted a request for information to the House of Commons (the 'HOC') for a list of MPs who are Freemasons and associated details. However, he addressed the request to Michael Gove Member of Parliament ('MP') and not directly to the HOC.
2. The Commissioner's decision is that, for the reasons set out in this notice, the request is not valid under FOIA. He does not require the HOC to take any steps.

#### Request and response

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3. On 21 December 2015 the complainant wrote to the Michael Gove MP at the HOC and requested information in the following terms:

*"Please supply me with the list of the elected Members of Parliament for England, Scotland, Wales and Northern Ireland who are Freemasons and the name, address and number of the Members' lodge."*

4. The complainant provided the Commissioner with a copy of the Royal Mail 'proof of delivery' which showed that his request had been signed for on 29 December 2015.
5. In the absence of a response, the complainant wrote again to Michael Gove MP at the HOC on 25 January 2016, reminding him of the need to provide a response. He did not receive a response and complained to the Commissioner.

## Reasons for decision

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6. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
7. Section 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested.
8. Unfortunately, although the request fulfilled these criteria, the complainant had addressed the request to Mr Gove in his capacity as an MP and not to the HOC itself. MPs are not public authorities in accordance with schedule 2 of FOIA and are not therefore required to respond under the terms of that Act.
9. The Commissioner made some further enquiries with the HOC itself before reaching his decision in this case. Following his enquiries, the Commissioner understands that MPs employ their own staff and operate almost as businesses in their own right. Each Member has a parliamentary address for business purposes and usually (though not always), has a staffed office on the parliamentary estate. This explains why they may 'share' a personal address with the HOC.
10. The complainant had addressed his request to the Right Honourable Mr Michael Gove MP, Lord Chancellor and Secretary of State for Justice at the House of Commons, Westminster, London, SW1A 0AA.
11. The Commissioner has been advised by the HOC that mail personally sent to MPs will be dealt with by their office only. There is no policy or procedure to pass misdirected mail to the House of Commons. Similarly, the office has no specific policy or procedure for dealing with FOIA requests, because Mr Gove, like all other MPs, has no legal obligation to answer them.
12. The request was sent by recorded delivery; the complainant submitted a 'proof of delivery', which showed that the request had been delivered on 29 December 2015 at 04:54 with the initials 'HMK'.
13. At the Commissioner's request, the HOC contacted Mr Gove's office to ascertain further details about the recorded delivery request; no one in that office recalled whether the letter had been received or not. Mr Gove's office indicated that they had help over the Christmas period from another employee, who has since left, but there is no-one on the team with the initials on the signed for receipt.

14. Further, Mr Gove's office confirmed that he receives a very large amount of correspondence and that his office routinely spends the whole day on a Monday just opening his post.
15. The HOC Information Rights team has no jurisdiction or oversight on mail sent to MPs directly.

### *Conclusion*

16. Whilst acknowledging that the correct addressing of such requests can be confusing to requesters, the Commissioner considers that, because the request was sent to Mr Gove in his capacity as an MP, the request in this case is invalid under FOIA.

### **Other matters**

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17. Before issuing this notice, the Commissioner contacted the HOC Information Rights team in relation to the complainant's request. It confirmed that the request had not been received. The HOC provides full details on its website about how to submit an FOIA request. In this case, the HOC supplied a direct telephone number and offered to speak to the complainant about his request.
18. The Commissioner also tried to encourage the complainant to resubmit his request to the HOC, as he considered this would be the quickest means of him securing a response. However, the complainant declined to do so.

## Right of appeal

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19. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed** .....

**Carolyn Howes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**