



HOUSE OF COMMONS

Paul Perrin (via email)
Request-11712-da2d6a62@whatdo theyknow.com

20 August 2009

Dear Mr Perrin

Internal Review-FO9-193

Thank you for your request for an internal review of your Freedom of Information request F09-193. I apologise that we have taken longer than we ought to have done to respond to you.

You asked for an internal review of the decision not to disclose, for each MP, the date they changed their address and whether the change was to their primary or secondary address.

Having reviewed the response, I can confirm that the House of Commons is not a public authority in respect of information relating to the residential addresses of Members of Parliament. This is by virtue of the Freedom of Information (Parliament and National Assembly for Wales) Order 2008, which states that information relating to any residential address of a Member of the House of Commons does not fall within the scope of the Freedom of Information Act. The information you have requested can be regarded as relating to the residential addresses of Members of the House of Commons and therefore the right of access to information under section 1 of the Freedom of Information Act 2000 would not apply.

Notwithstanding this, the House of Commons has decided that it would be reasonable to disclose to you the information we hold in respect of your request voluntarily, outside the scope of the Freedom of Information Act. However, we will not be able to do so until the review led by Sir Thomas Legg into all claims made against the second homes allowance has been completed.

A report of the review will be presented to the House in the Autumn. The terms of reference of the review include:



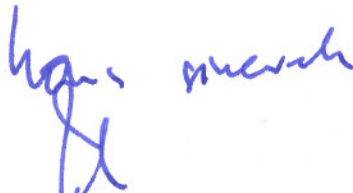
- To examine all payments made on such claims, against the rules and standards in force at the time, and identify any which should not have been made, and any claims which otherwise call for comment;
- To allow Members who received such payments or made such claims a fair opportunity to make representations about them;
- Subject to any such representations, to recommend where necessary any repayments which Members should make and otherwise to comment as seems appropriate; and
- To report as soon as possible to the Members Estimate Committee

The House considers that the provision of the information you seek before Sir Thomas Legg has reported would be unfair processing of personal data. Disclosure to the public generally would be unfair to the MPs concerned who would have to deal both with media speculation on such disclosures and with presenting their cases or points of view to the inquiry. We have therefore concluded that until the Legg review has been finalised the exemption set out in 40 (2) and (3)(a)(i) of the Freedom of Information Act applies. This exemption releases public authorities from the obligation to disclose information when this action would not be consistent with the data protection principles, in particular the fairness with which data is processed. This is an absolute exemption and the public interest does not apply.

Furthermore, the House considers that the provision of the information you seek before Sir Thomas Legg has reported could prejudice the exercise by the House, through Sir Thomas's review, of its functions in ascertaining whether any person is responsible for conduct which is improper. Such information is exempt from disclosure under section 31 (1)(g) and (2)(b) of the FoI Act. There is a public interest in the transparency of the allowances system. However, while Sir Thomas's inquiry is in progress, the House considers that the public interest is in maintaining the fairness of the inquiry.

We will contact you with the information we are able to provide when Sir Thomas has reported.

If you remain dissatisfied with our response, you may appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.



A J Walker
Director General of Resources