



The Insolvency  
Service

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[www.gov.uk/insolvency-service](http://www.gov.uk/insolvency-service)

Mr T Martin  
Via Email

Our ref: FOI20/21-116  
Date: 20 November 2020

Dear Mr Martin

**Re: Freedom of Information Act 2000**

Thank you for your emails of 24 October 2020 in which you requested from the Insolvency Service:

1. All Insolvency Practitioners who are currently referred cases to deal with by the Insolvency Service
2. All Insolvency Practitioners who are currently on the Insolvency Service Panel
3. Up to date contact details of all Insolvency Practitioners Licensed to practice in the UK
4. How many disqualification cases the Insolvency Service has referred to Gowling Solicitors to pursue on the SoS behalf
5. How many cases a specific staff member has investigated in the last 5 years
6. How many cases a specific staff member has recommended for disqualification in the last 5 years
7. How many cases a specific staff member has recommended not to go for disqualification in the last 5 years
8. How many complaints have been made against a specific staff member in the last 5 years
9. How many complaints have been upheld against a specific staff member in the last 5 years

For ease of reference I have numbered your questions and shall answer them in order, quoting each request before providing our response. Your request has been dealt with under the Freedom of Information Act (FOIA).

**1. All Insolvency Practitioners who are currently referred cases to deal with by the Insolvency Service**

I can confirm the agency holds the information that you have requested however, the information you have requested is exempt from disclosure under section 21 of the Freedom of Information Act 2000 and is therefore refused.

Section 21(1) provides that information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The list of Insolvency Practitioner referred cases, can be found at the following link:  
<https://www.gov.uk/government/publications/insolvency-practitioner-rota>

## **2. All Insolvency Practitioners who are currently on the Insolvency Service Panel**

It is unknown what you mean by 'Insolvency Service Panel' as we do not use this term. It is possible that what you are requesting is known by another name which is why we have sought clarification. As today is the statutory deadline for the other questions, I am omitting this answer. However, should you provide clarification, we will be happy to provide an answer to this request separately.

## **3. Up to date contact details of all Insolvency Practitioners Licensed to practice in the UK?**

I can confirm the agency holds the information that you have requested however, the information you have requested is exempt under section 14 of the Freedom of Information Act 2000 (FOIA). The Insolvency Service has decided that your request is repeated as determined by the FOIA and the information is therefore refused.

Section 14(2) – Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

This information is publicly available as advised on 6 April 2020 in our response to your earlier FOI request reference FOI2019-179(1)

## **4. How many disqualification cases the Insolvency Service has referred to Gowling Solicitors to pursue on the SoS behalf?**

I can confirm the agency holds the information that you have requested however, the information you have requested is exempt under section 14 of the Freedom of Information Act 2000 (FOIA). The Insolvency Service has decided that your request is repeated as determined by the FOIA and the information is therefore refused.

Section 14(2) – Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

On 20 April 2020 we issued our response to your FOI request, reference FOI2019-179(5), in which your request was refused as disclosure would, or would likely,

prejudice the commercial interests of any person. Our response has not changed since we last responded and so this is refused as a repeated request.

- 5. How many cases a specific staff member has investigated in the last 5 years?**
- 6. How many cases a specific staff member has recommended for disqualification in the last 5 years?**
- 7. How many cases a specific staff member has recommended not to go for disqualification in the last 5 years?**
- 8. How many complaints have been made against a specific staff member in the last 5 years?**
- 9. How many complaints have been upheld against a specific staff member in the last 5 years?**

I can confirm the agency holds the information that you have requested however, the information you have requested is exempt from disclosure under section 30 of the act and your request is therefore refused.

This means that we believe releasing the information to your request would, or would be likely to, prejudice

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders,
- (g) the exercise by any public authority of its functions for the purposes of section 31(2) of the FOI Act, which is:
  - (a) ascertaining whether any person has failed to comply and
  - (b) ascertaining whether any person is responsible for any conduct which is improper.

Before we can apply this exemption, we have to balance the reasons for and against disclosing the information. This is called a public interest test.

In the context of your request, the public interest in not disclosing outweighs the public interest in disclosing the information.

We believe the reasons that would support disclosing the requested information are: it is in the public interest for people to understand how government organisations activities, both civil and criminal, support fair and open markets and reduce the harm caused to victims of fraudulent activity by enforcing the statutory company and insolvency regimes.

Against: It needs to be balanced against the individual staff members undertaking this work since disclosing a single person's workload for the last 5 years could be used against any case they have in the future, or had in the past, which would, or would likely, prejudice their ability to perform their role. The Insolvency Service's civil and criminal investigative work could be negatively impacted. This may occur by disclosing information which illustrates how it discharges its law enforcement functions. This includes the information investigators collected, their processes, decisions and relationships with other bodies.

Furthermore, for the last two questions it is also exempt from disclosure under section 40(2) of the FOIA. This is because the information requested constitutes personal data. This is because the information relates to the staff member rather than their work.

Personal data can only be released if to do so would not contravene any of the data protection principles set out in Article 5(1) of the General Data Protection Regulation and Data Protection Act 2018.

The release of the requested personal information in this instance would be unlawful, and not be in keeping with data protection principles outlined above.

If you are not satisfied with the response we have provided you and would like us to reconsider our decision by way of an internal review (IR), please contact our Information Rights Team at [foi@insolvency.gov.uk](mailto:foi@insolvency.gov.uk) or by post at:

Information Rights Team  
The Insolvency Service  
3rd Floor  
Cannon House  
18 Priory Queensway  
Birmingham  
B4 6FD  
United Kingdom

You also have the right to contact the Information Commissioners Office (ICO) if you wish for them to investigate any complaint you may have regarding our handling of your request. However, please note that the ICO is likely to expect an IR to have been completed in the first instance.

Kind regards

Information Rights Officer  
Information Rights Team  
The Insolvency Service

The Department for Business, Energy and Industrial Strategy, Official receivers and the Adjudicator are Data Controllers in respect of personal data processed by the Insolvency Service. For the details about how personal data is processed by the agency, please see the full Insolvency Service Personal Information Charter here: <https://www.gov.uk/government/organisations/insolvency-service/about/personal-information-charter>