

## **The Information Commissioner's office Response to the Annual Review of the MP's Expenses Scheme**

**Consultation January 2011**

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 and the Freedom of Information Act 2000. He is independent from government and promotes access to official information and the protection of personal information. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

In July 2010 The Information Commissioner commented on the proposals in the IPSA consultation paper, "Consultation on IPSA's Publication Proposals". We note the focus of the current consultation is on improving the existing Scheme with regard to specific issues relating to the impact on an MP's family life, the definition of the London Area and the effects of limits on expenditure.

The Information Commissioner has confined his response to the publication of staff expenses (paragraphs 162-5).

### **Publication of staff salaries**

We note that in response to concern expressed by a number of MP's staff about IPSA's proposals to publish staff salaries against job titles, the current consultation asks specifically whether the policy should be amended so that only the overall expenditure for each MP is published annually.(Question 36).

In response to the previous consultation document, the Information Commissioner set out his view on the proposal to publish salaries for all MP's staff in £5000 ranges. His opinion remains the same in this issue.

We believe that current IPSA policy on this issue achieves an acceptable balance between the need for transparency and the need to protect the personal data of MP's staff.

Our guidance 'When should salaries be disclosed'<sup>1</sup> sets out the key considerations for determining whether routine publication of salary details is appropriate. Given

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[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/practical\\_application/salary\\_disclosure.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/salary_disclosure.pdf)

the overwhelming public interest in the issue of MP's expenses which continues, and notwithstanding the representations you have received from some MP's staff, it is our view that this information should be made available. We consider that this information would have to be disclosed in the event of an information request.

We also discuss in our guidance the expectations of employees and whether publication would or would not represent an unfair intrusion which is likely to cause unwarranted damage or distress. Again we take the view that the majority of MP's staff would have some degree of expectation that their salary details, at some level, would be released in response to a request for information.

You may be interested to note that the Information Commissioner's Office has received a number of requests for the details of all ICO staff by name, job title and salary band. In response to these requests we have provided the names, job title and salary band details of all staff with the exception of the most junior grades where job titles and salary band information was given.

Our views in relation to the publication of the name and salary band for connected parties is that the current IPSA policy should continue for the same reasons as set out above. We would consider that both MP's staff and connected parties would have a reasonable expectation that the wider public would have an interest in their salary details. The public interest in these matters remains considerable and you may need to consider making further information available in response to specific requests.

The Information Commissioner considers that the publication of salary details for both MP's staff and connected parties is central to the transparency and accountability of the conduct and arrangements made by Members of Parliament in the course of carrying out their public role and their expenditure of public funds.