

Acknowledgement [FOI/EIR]

SUBJECT: Acknowledgement of your Freedom of Information Request: [REFERENCE]

Dear X

I am writing to acknowledge receipt of your request for information which was received by IPSA on [DATE].

Your request will be dealt with under the Freedom of Information Act 2000 and you should expect our response by [DATE].

In the meantime, you may find the following information on our website helpful:

[A guide to MPs' staffing and business costs](#)

[Publications](#)

[News blog and FAQs](#)

Responding to your request

Section 10 of the Freedom of Information Act allows public authorities to apply variations to the normal 20 working day timescale in some limited circumstances. Should this be necessary we will contact you to advise of an extension in advance of the deadline given above.

Should we require further clarification from you, we will contact you about this as soon as possible.

In some circumstances a fee may be payable and if that is the case, we will let you know. A fees notice will then be issued to you, and you will be required to pay before we proceed to deal with your request.

Yours sincerely,

Clarification [FOI/EIR]

Dear X,

Thank you for your Freedom of Information Request which was received on [DATE].

Request

[COPY REQUEST]

We would like to help you receive the information that you are seeking, on this occasion, we need to request further information from you. As a public authority we have the right to request for a clarification under the following circumstances:

- *too unclear or non-specific for the authority to identify and locate the information requested; or*
- *ambiguous and can be interpreted in more than one way*

EXPLAIN WHY CLARIFICATION IS REQUIRED

The Freedom of Information Act 2000 (FOIA) stipulates that a clarified request represents a new request for information. This means that, once we have a better understanding on the information that you are requesting, we will respond to you within 20 working days after receiving your clarification email.

If we do not receive a clarification email from you, your request will be closed in **one calendar month**. You will need to send in a new request if you still wish to receive the information.

Yours sincerely,

Template response: car and congestion charges

I can confirm that we hold some information relevant to your request.

Under the MPs' Scheme of Business Costs and Expenses' ('the Scheme') MPs may claim for the costs of travel and travel-related subsistence costs necessarily incurred in the performance of their parliamentary functions. This may include the cost of congestion charges, mileage and taxis. However, there are no mandatory fields on our system which record claims relating to congestion charges, Ultra Low Emission Zones or road tolls separately: these are all categorised as the Expense Type 'Congestion charge and toll'. Although MPs have the option of including additional information about a claim in a free text field which will be published, unless details are provided in this field, we are unable to determine the number of claims specifically for congestion charges.

Details of all claims for business costs are published on our website every two months. The publication date depends on when the MP's office submits the claim for processing by IPSA. For example, [INSERT DATE RELEVANT TO REQUEST] we will publish claims that were processed by us in [INSERT DATE RELEVANT TO REQUEST]; claims which were submitted after the end of [INSERT DATE RELEVANT TO REQUEST] will be published in [INSERT DATE RELEVANT TO REQUEST].

You can download details of all claims made for any travel-related claims, including mileage, taxi fares, congestion and low emission charges and road tolls from [Annual budgets, costs and claims | IPSA \(theipsa.org.uk\)](#) Scroll to the bottom of the page and select 'Individual business costs'. You may then download a spreadsheet listing claims by all MPs for specific financial years. To identify claims relating to mileage, taxis, congestion and tolls, filter for 'Mileage – car', 'Taxi', and 'Congestion charge & toll' under 'Expense type' (column H). [INSERT OR OMIT: Please note that nothing has yet been published for the dates you have requested].

The dates published for these cost types (but not all entries, as dates work differently for payments made by IPSA to direct suppliers) are those entered by the MP's office for each line. The date should reflect the day when the cost was incurred, which should coincide with the date of travel for cost types such as mileage and taxi. However, this may not necessarily be the case for congestion and low emission charges as, for example, the London congestion and ultra-low emission zone charges may be paid for up to three previous days: the day of travel, the next day, or for a custom date range; the London low emission charge, for example, may be paid for up to three previous days, the day of travel or any day up to 90 days in the future.

[ADJUST FOR S.21 OR 22: As the information you have requested will be published and made available on our website, the information is exempt from disclosure under FOIA section 22 and IPSA does not need to provide a copy under FOI legislation].

Section 22(1) – future publication

This exemption applies because some of the information you have requested is intended for future publication by IPSA as part of our annual publication. Section 22(1) is a qualified exemption and requires us to consider the public interest. IPSA recognises how the publication of this information enables the public to understand more the work of MPs and staff management.

There is extensive work involved to prepare the MPs' staffing information, as part of IPSA's wider publication. The information you have requested is scheduled for publication in November 2022 with any claims submitted after July being published in January 2023. As most of the information you have requested is likely to be available within two months, we find that the public interest in withholding the information outweighs the public interest in disclosure at this time.

Freedom of Information requests for information about pooled services

Team	Corporate Services: Information Governance
Prepared by	
Date:	28 October 2022

Pooled Services

Pooled services are private (third-party) organisations, independent of the public sector. They are not membership groups, but rather subscription-based pooled services. Pooled services are a collection of specialist research organisations that provide research support, briefing and drafting services to groups of MPs.

Under the terms of the [Scheme of MPs' Business Costs and Expenses](#) ('the Scheme') which set out the rules for claiming staffing and business costs, MPs can claim the costs of payments for pooled services. There are currently nine such services which are registered with IPSA:

- Parliamentary Research Service
- Policy Research Unit
- Scottish National Party Research Team
- Parliamentary Support Team
- European Research Group
- Northern Research Group
- Common Sense Group
- Socialist Parliamentary Research Group
- The Conservative Union Research Group

The activities of pooled services funded by IPSA must comply with the Scheme, including the Fundamental Principles (Part A) and General Conditions (Part B, Chapter 3). The Scheme sets out that IPSA funded activities must be:

- Parliamentary in nature
- Not party-political
- Not aimed at gaining a campaigning advantage.

Currently, MPs can claim for subscriptions to such services in one of two ways:

- IPSA can pay subscription fees directly to the service provider; or
- a reimbursement claim can be submitted to the online expenses system.

In 2016 we carried out an assurance review of pooled services, updated in 2017, which is published on our website: [pooled-services-assurance-report_final.pdf \(ctfassets.net\)](#)

Membership lists

This information is not held by IPSA. Pooled services are not membership groups, but rather subscription-based services. MPs are allowed to claim for the cost of subscriptions to pooled services from their IPSA office costs budget or staffing budget. Whilst we do hold a list of subscribers, this would not reflect any wider “membership”.

Details of all claims made by MPs are published on our website at [Annual budgets, costs and claims | IPSA \(theipsa.org.uk\)](#). If you scroll down to the section ‘Individual business costs’ you can download spreadsheets listing all claims by financial year. Using the column ‘Cost type’ you can filter under ‘Pooled staffing services’ to identify all claims, or filter under ‘@short details’ for subscriptions to specific pooled services.

As information about subscriptions is available on our website, under section 21 of the FOIA IPSA is not required to provide you with a copy.

Funding

This information is not held by IPSA. We only hold information about subscriptions which have been claimed by MPs; we do not hold information about any other sources of funding which a specific pooled service might receive.

Freedom of Information: Public Interest Test

Request reference:	
Exemptions considered:	
PIT completed by: Name	
Job title:	
Date of completion:	
Decision:	

For guidance and factors to consider see [FOI Public Interest Test](#)

1. Request details

1.1 REQUEST REFERENCE / DATE SENT / RESPONSE DUE:

1.2 REQUEST

1.3 RELEVANT RELATED REQUESTS (if applicable):

1.4 CONTEXT

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2. Exemptions

For guidance, see the ICO's guidance listed in the section 'References'

2.1 Select all which apply

- ☐ s.22 Information intended for future publication
- ☐ s.30 Investigations and proceedings conducted by public authorities
- ☐ s.31 Law enforcement
- ☐ s.36 Prejudice to effective conduct of public affairs
- ☐ s.38 Health and safety
- ☐ s.39 Environmental information
- ☐ s.40(2) Personal information relating to a third party
- ☐ s.42 Legal professional privilege
- ☐ s.43 Commercial interests

3. Exemption [INSERT]: Reasons for consideration

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4. Balancing test

3.1 FACTORS IN FAVOUR OF COMPLYING WITH THE REQUEST

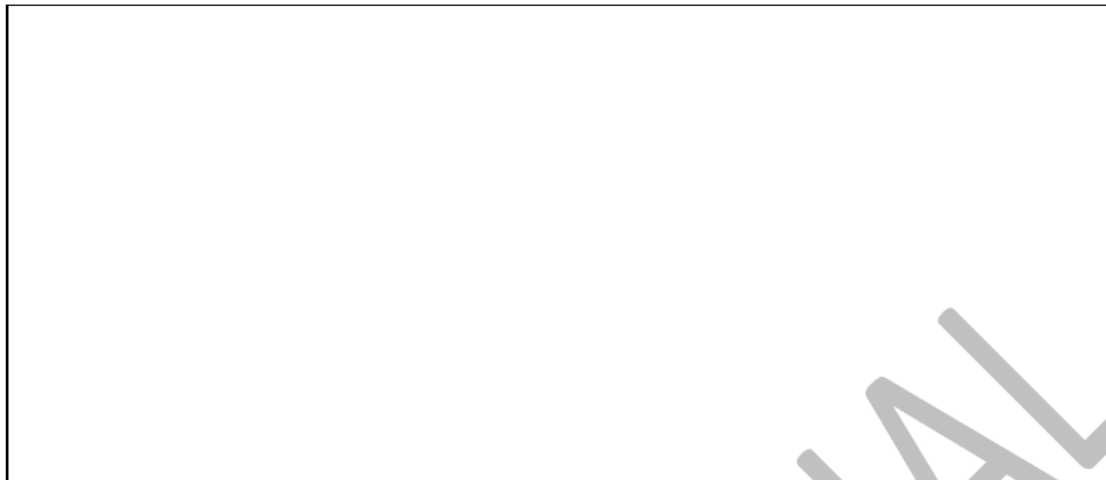
For guidance see Appendix 1: Examples of factors to consider.



3.2 FACTORS IN FAVOUR OF REFUSING THE REQUEST



5. Decision



Name:

Job title:

Date:

References

ICO: The Public Interest Test

<https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/the-public-interest-test/>

ICO: How exceptions and the public interest test work in the Environmental Information Regulations

<https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/how-exceptions-and-the-public-interest-test-work-in-the-environmental-information-regulations/>

ICO: The prejudice test

https://ico.org.uk/media/for-organisations/documents/1214/the_prejudice_test.pdf

Appendix 1: Examples of public interest factors to consider

Factors in favour of disclosure

1. Accountability
2. Public participation and understanding of the democratic process
3. Transparency
4. Public awareness
5. Public debate
6. Justice / fairness
7. Research to benefit the community as a whole
8. Accountability for public funds

Factors in favour of non-disclosure

1. Investigations
2. Multiple exemptions
3. Third party interests
4. Effective and efficient conduct of public tasks
5. Effective and efficient management
6. Flow of information
7. Fair treatment of an individual
8. Safety and security
9. On-going investigations
10. Fishing expeditions
11. Tortuous duty
12. Confidentiality
13. Commercial interests
14. Timing of request

Criteria which may not be considered as part of the public interest test, or only considered under limited circumstances

1. Embarrassment
2. High public office or profile
3. Policy development
4. Candour and frankness
5. Disclosure of confusing or misleading information
6. Information held does not fairly reflect the reasons for a decision
7. Draft documents
8. Protectively marked information

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Appendix 2: [Supporting evidence]

The ICO will expect public authorities to be able to support the application of exemptions with evidence. This could include detailed costs estimates, supporting correspondence, related cases or other documentary evidence.

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I can confirm that we hold information relevant to your request. Please find attached to this email copies of the documents. Some information has been redacted from the documents and is subject to a Refusal Notice under sections 31, 38 and 40 of the FOIA and in accordance with [Section C of IPSA's Publication Policy](#).

Section 31(1)(a) - law enforcement

This exemption applies where the disclosure of information would or would be likely to prejudice the prevention of crime. IPSA relies on this exemption to withhold the banking details of suppliers and the MP.

This exemption is subject to the public interest test. IPSA understands how disclosure of information under the FOIA promotes accountability and transparency in the spending of public money, allows the public to understand the work of MPs and furthers public understanding. However IPSA believes that the disclosure of these details could leave those concerned more vulnerable to financial crime, in particular fraud and electronic crime, especially with the increase in cyber attacks.

IPSA does not consider that the withholding of this information has a negative impact on the understanding of these claims. We therefore find that the public interest in withholding this information outweighs the public interest in disclosure at this time.

Section 38(1)(b) - health and safety

Sections 40(2) and 40(3A)(a) – personal information

This exemption applies to information which IPSA considers to be personal data within the meaning of Article 4(1) of the UK General Data Protection Regulation (UK GDPR) which states:

'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly

IPSA considers that the following are personal data within this definition: banking and financial information; personal information of the MPs and other third parties' information. We then considered whether disclosure of this personal data would breach any of the Principles relating to the processing of personal data in the UK GDPR.

The relevant principle is Article 5(1)(a):

Personal data shall be:

- a. *Processed lawfully, fairly and in a transparent manner in relation to the data subject*

As IPSA was unable to find a lawful basis on which it could rely, within Article 6(1) of the UK GDPR, it therefore finds that the information is exempt under section 40.

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Section 40(5B)(a)(i) - personal data

We are unable to either confirm or deny whether we hold this information and therefore this letter acts as a Refusal Notice under section 40(5B)(a)(i) of the FOIA. This exemption applies where the giving of a confirmation or a denial would contravene the data protection principles in Article 5 of the UK General Data Protection Regulation 2016.

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Sections 40(2) and 40(3A)(a) – personal information

This exemption applies to information which IPSA considers to be personal data within the meaning of Article 4(1) of the UK General Data Protection Regulation 2016 (UK GDPR) which states:

'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly

IPSA considers that the following are personal data within this definition: banking and financial information; personal information of the MPs and other third parties information. We then considered whether disclosure of this personal data would breach any of the Principles relating to the processing of personal data in the UK GDPR.

The relevant principle is Article 5(1)(a):

Personal data shall be:

- a. *Processed lawfully, fairly and in a transparent manner in relation to the data subject*

As IPSA was unable to find a lawful basis on which it could rely, within Article 6 of the UK GDPR, it therefore finds that the information is exempt under section 40.

Sections 40(2) and 40(3A)(a) – personal information

This exemption applies to information which IPSA considers to be personal data within the meaning of section 3 of the Data Protection Act 2018 (DPA18), which states:

3(2) *"Personal data" means any information relating to an identified or identifiable living individual*

3(3) *"Identifiable living individual" means a living individual who can be identified, directly or indirectly, in particular by reference to –*

- (a) *an identifier such as a name, an identification number, location data or an online identifier, or*
- (b) *one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual*

Data protection legislation refers to an identifiable individual as a "data subject"

IPSA considers that the following are third party personal data within this definition: banking and financial information; personal information of the MPs and other third parties information.

As the information relates to a third-party section 40(2) of the FOIA applies

We then considered whether disclosure of this personal data would breach any of the principles relating to the processing of personal data in Article 5 of the UK General Data Protection Regulation (UK GDPR)

Principle (a) states:

Personal data shall be:

Processed lawfully, fairly and in a transparent manner in relation to the data subject

Personal data is "processed" when it is disclosed in response to a FOIA request. Relevant processing activity set out in section 3(4)(d) of DPA18. "Disclosure by transmission, dissemination or otherwise making available"

We then considered whether we had a lawful basis to disclose third-party personal data to the public under Article 6 of UK GDPR.

In your request you do not state your reason for asking for this information and therefore we have been unable to find a lawful basis on which we can rely under Article 6(1). The information is exempt under section 40 of the FOIA.

Applicant's legitimate interests

In your request you state that you are asking for this information because

And we believe that you have a legitimate interest/do not have a legitimate interest [explain why]

Disclosure is necessary to meet those interests

We can see how disclosure of this information would aid [those legitimate interests], and we find that disclosure is necessary to achieve this/ however [any alternative means by which this could be achieved].

Do legitimate interests outweigh the interests and rights of the individual?

We find that [potential harm or distress, extent to which information is already in the public domain, or known to some people, whether individual has expressed concern or objected to disclosure, data subject's reasonable expectation of privacy] or we believe that your legitimate interests outweigh the interests and rights of the individual, however we have also had to consider whether our processing is generally lawful

Freedom of Information

Complex Request Processing

Request reference:	
Received date	
Due date:	
Internal stakeholders:	
Response approver:	

This document is intended as a formal way of keeping notes relating to those requests which are more complex. It is not a requirement to use this document for every request. If it is believed an exemption may apply, please check to see if there is a relevant template.

1. Request details

1.1 WORDING OF REQUEST

1.2 IS THE REQUEST VALID UNDER S.8(1)(C) OF THE FOIA?

(describes the information requested)

1.3 DO YOU BELIEVE THE INFORMATION IS HELD UNDER FOIA?

<https://ico.org.uk/for-organisations/determining-whether-we-hold-information/>

(explain briefly)

1.4 ANY OTHER RELEVANT INFORMATION

(previous requests, circumstances etc)

2. Notes section

(which should be dated and initialled)

Upper Embankment Floor
Ivybridge House
1-5 Adam Street
London WC2N 6LE
E. FOI@theipsa.org.uk
theipsa.org.uk

[Name]
[Address]
[Address]
[Address]
[Address]

[Date]

Dear [Name]

Request for Information. Ref:

I am writing in response to your email of [Date]. Your request has been processed under the Freedom of Information Act 2000 (FOIA).

Your Request

[Request]

Response

I can confirm that we hold / do not hold information relevant to your request.

[The Scheme of MPs' Staffing and Business Costs](#) sets out the rules and principles within which MPs' must operate when submitting claims they incur when carrying out their parliamentary duties.

Chapterdeals with

We routinely publish information relating to MPs' staffing and business costs in accordance with our [Publication Schedule](#) and [Publication Policy](#).

This information is available from the [individual web pages for MPs](#) or our [Annual Publications page](#)

Internal Review

If you are dissatisfied with the service you have received or wish to appeal the response, please send an email quoting the reference number of your request and the reason for your appeal, within two months of receipt.

Information Commissioner's Office (ICO)

If you remain unhappy with the outcome of your appeal you can contact the ICO via their Online Portal at: www.ico.org.uk/foicomplaints. Other ways to contact the ICO can be found at <https://ico.org.uk/>

In general the ICO will only review cases once an organisation has completed its internal review.

Yours sincerely

Name

Information Governance

Upper Embankment Floor
Ivybridge House
1-5 Adam Street
London WC2N 6LE
E. FOI@theipsa.org.uk
theipsa.org.uk

[Name]
[Address]
[Address]
[Address]
[Address]

[Date]

Dear [Name]

Request for Information. Ref:

I am writing in response to your email of [Date]. Your request has been processed under the Freedom of Information Act 2000 (FOIA).

Your Request

[Request]

Response

I can confirm that we hold information relevant to your request but it is subject to Refusal Notice under section 21 of the FOIA. This exemption applies because the information is reasonably accessible by other means because it is published on [IPSA's website](#) and is retrievable by more than one method. This means that IPSA does not need to supply you with the information, but does need to direct you to the place where it may be found.

Please find accompanying this letter a document entitled "Finding MP utility costs" which will assist you in navigating IPSA's website to locate the information you have requested.

[include section 22 refusal if relevant]

You can find the principles and rules within which MPs must operate when submitting claims for utility costs in [The Scheme of MPs' Staffing and Business Costs](#).

You may also find the following information on our website useful:

- [A guide to MPs' staffing and business costs](#)
- [Myths about MPs' business costs](#)
- [Why do MPs need an accommodation budget?](#)

Internal Review

If you are dissatisfied with the service you have received or wish to appeal the response, please send an email quoting the reference number of your request and the reason for your appeal, within two months of receipt.

Information Commissioner's Office (ICO)

If you remain unhappy with the outcome of your appeal you can contact the ICO via their Online Portal at: www.ico.org.uk/foicomplaints. Other ways to contact the ICO can be found at ico.org.uk

In general the ICO will only review cases once an organisation has completed its internal review.

Yours sincerely

Name

Information Governance

Upper Embankment Floor
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London WC2N 6LE
E. FOI@theipsa.org.uk
theipsa.org.uk

[Name]
[Address]
[Address]
[Address]
[Address]

[Date]

Dear [Name]

Request for Information. Ref:

I am writing in response to your email of [Date]. Your request has been processed under the Freedom of Information Act 2000 (FOIA).

Your Request

[Request]

Response

I can confirm that we hold / do not hold information relevant to your request.

Internal Review

If you are dissatisfied with the service you have received or wish to appeal the response, please send an email quoting the reference number of your request and the reason for your appeal, within two months of receipt.

Information Commissioner's Office (ICO)

If you remain unhappy with the outcome of your appeal you can contact the ICO via their Online Portal at: www.ico.org.uk/foicomplaints. Other ways to contact the ICO can be found at <https://ico.org.uk/>

In general the ICO will only review cases once an organisation has completed its internal review.

Yours sincerely

Name

Information Governance

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Section 12 — Cost of compliance exceeds the appropriate limit

I can confirm that we hold information relevant to your request however, after careful consideration, we have determined that it is subject to a Refusal Notice under section 12(1) of the FOIA.

IPSA is not required to comply with a request for information if it estimates that the cost of compliance would exceed the appropriate limit set by *The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004* (the Fees Regulations). Under the Fees Regulations a public authority can only take into account the time it reasonably expects to incur in the tasks set out in regulation 4(3)(a)-(d) (the Allowable Tasks). For IPSA this is set at 18 hours or £450.

Regulation 4(3) provides that:

In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only of the costs it reasonably expects to incur in relation to the request in—

- (a) determining whether it holds the information,*
- (b) locating the information, or a document which may contain the information,*
- (c) retrieving the information, or a document which may contain the information, and*
- (d) extracting the information from a document containing it.*

[....]

An authority can take into account the costs attributable to the time that persons (both the authority's staff and external contractors) are expected to spend on these activities. Such costs are calculated at £25 per hour per person for all authorities regardless of the actual cost or rate of pay, which means that the limit will be exceeded if these activities exceed... 18 hours for all other authorities.

The four activities are sequential, covering the retrieval process of the information from the public authority's information store.

We estimate that the cost of complying with your request would exceed the appropriate limit. We have calculated the time it would take to provide the information and estimate this alone would take **INSERT ESTIMATED NUMBER OF HOURS. PROVIDE BRIEF DESCRIPTION OF THE CALCULATION, RATIONALE OR STEPS EXPLAINING WHY THIS WOULD EXCEED THE LIMIT, E.G.**, which is over the appropriate limit of 18 hours.

It is for this reason that your request is refused under section 12(1) of the FOIA.

Section 22(1) — information intended for future publication

The information we hold is subject to a Refusal Notice under section 22(1) of the FOIA. This exemption applies because this information is intended for future publication by IPSA as part of our routine publication schedule. Section 22(1) is a qualified exemption and requires us to consider the public interest. MPs have a certain amount of time in which to submit their claims and once submitted there follows a period of validation and reconciliation, before the information is ready for publication.

In the light of the validation and reconciliation procedure and because IPSA already has schedule of routinely publishing this information, we find that the public interest in withholding the information outweighs the public interest in disclosure at this time.

Request reference:	
S.24 consideration completed by: Name	
Job title:	
Date of completion:	
Decision: s.24 applied?	

Section 24 allows a public authority not to disclose information if they consider that releasing the information would make the UK or its citizens vulnerable to a national security threat.

1. Request details

1.1 WORDING OF REQUEST

1.2 ANY OTHER RELEVANT INFORMATION

2. FOIA s.24 Applicable Criteria

- ☐ Does the information fall within the definition of national security?
- ☐ Is it possible to neither confirm nor deny that the information is held?
- ☐ Is withholding the information reasonably necessary to safeguard national security?
- ☐ Is there a risk of the information being combined with other information in the public domain?

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3. Reasons for considering s.24



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4. Balancing test

3.1 FACTORS IN FAVOUR OF DISCLOSURE



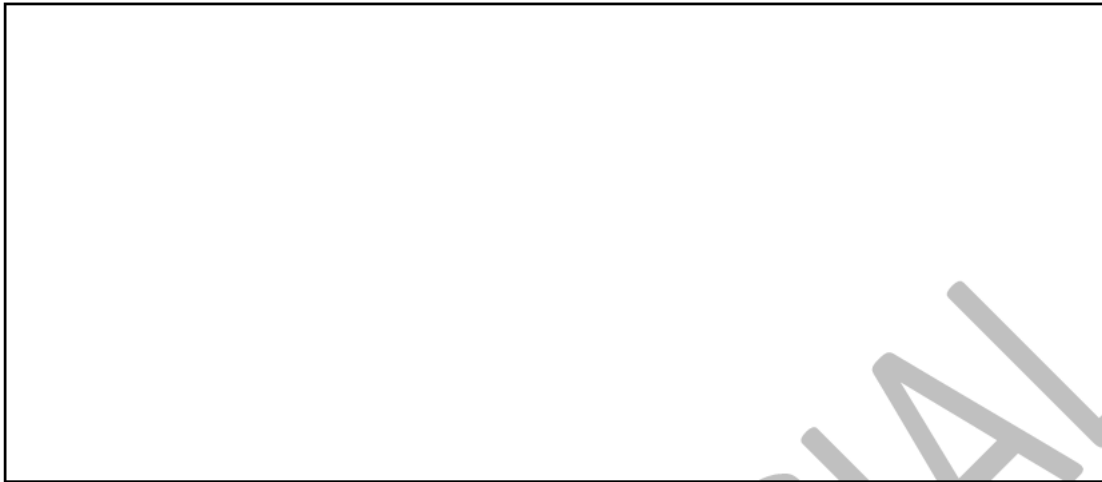
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3.2 FACTORS IN FAVOUR OF WITHHOLDING



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5. Decision



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Section 31(1)(a) — Law enforcement

This exemption applies where the disclosure of information would or would be likely to prejudice the prevention of crime. IPSA relies on this exemption to withhold the banking details of suppliers and other transactional references. IPSA believes that the disclosure of these details could leave those concerned more vulnerable to financial crime, in particular fraud and electronic crime, especially with the increase in cyber-attacks.

This exemption is subject to a public interest test. IPSA does not consider that the withholding of this information has a negative impact on the understanding of these claims. We therefore find that the public interest in withholding this information outweighs the public interest in disclosure at this time.

Freedom of Information Act 2000, section 36:

Record of the qualified person's opinion

Reference:

Information requested:

Background

1. When dealing with an exemption under section 36 of the Freedom of Information Act 2000 (FOIA), the Information Commissioner will expect to see evidence of the qualified person's opinion and how it was reached. This evidence is needed in order to decide whether the opinion was a reasonable one.
2. The following form using a template provided by the ICO, sets out the minimum information the ICO expects public authorities to provide about the qualified person's opinion in the event of a complaint. It is also part of IPSA's internal process of obtaining and recording the qualified person's opinion
3. For further information on section 36 of the Freedom of Information Act 2000, please see the ICO's guidance document, [Prejudice to effective conduct of public affairs \(section 36\)](#) and the notes at the end of this form
4. This form only records the qualified person's opinion under FOIA s. 36(2). If the qualified person's opinion is that s.36(2) is engaged (i.e. that disclosure of the information would, or would be likely to, cause prejudice or inhibition), the public authority must then carry out the public interest test. As a matter of good practice, IPSA will also keep a record of the factors considered in the public interest test and the outcome of that test.

The public authority	
1. Name of the authority	The Independent Parliamentary Standards Authority
The qualified person	
2. Name (<i>see Notes below</i>)	
3. Job title	
4. Subsection of s36(5) under which qualified person is authorised (<i>see Notes below</i>)	s.36(5)(o)(iii) “any officer or employee of the public authority who is authorised for the purposes of this section by a Minister of the Crown”
Information on which opinion was sought	
5. Request reference	
6. Brief description of the information requested	
7. Brief description of the information considered under s.36	
7. Information was	<input type="checkbox"/> shown to qualified person
	<input type="checkbox"/> described to qualified person
Submission to the qualified person	
8. Date opinion sought	(DD/MM/YYYY)
9. Subsection(s) of s36(2) on which opinion was sought (<i>see Notes below</i>)	<input type="checkbox"/> 36(2)(b)(i) <input type="checkbox"/> 36(2)(b)(ii) <input type="checkbox"/> 36(2)(c)
10. If s.36(2)(c), describe the nature of prejudice	

<p>11. Arguments put forward as to why prejudice/ inhibition would/ would be likely to occur</p>	
<p>12. Counter arguments put forward</p>	
<p>13. Any other factors taken into account</p>	
<p>14. Relevant decisions and any IPSA precedents</p>	

The qualified person's opinion

12. (see Notes below)

The qualified person's opinion is that, if the information requested were disclosed, the prejudice/ inhibition specified in the following section(s) of the Freedom of Information Act 2000

☐ 36(2)(b) (i) the free and frank provision of advice

☐ would occur

☐ would be likely to occur

for the following reasons(s):

☐ 36(2)(b) (ii) the free and frank exchange of views for the purposes of deliberation,

☐ would occur

☐ would be likely to occur

for the following reasons(s):

☐ 36(2)(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs

☐ would occur

☐ would be likely to occur

for the following reasons(s):

13. Date opinion was given

__ / __ / ____ (DD/MM/YYYY)

14. Qualified person's signature

Notes for completing this form

The Qualified Person

Where the public authority itself, rather than an individual, has been authorised as the qualified person, the name will be that of the highest decision-making body of the authority. Please refer to section 36(5) of the Freedom of Information Act 2000 for the list of qualified persons.

Information on which opinion was sought

This lists the subsections of section 36 which the qualified person was asked to consider. The full text of section 36(2) is:

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(a) would, or would be likely to, prejudice—

- (i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or*
- (ii) the work of the Executive Committee of the Northern Ireland Assembly, or*
- (iii) the work of the Cabinet of the Welsh Assembly Government.*

(b) would, or would be likely to, inhibit—

- (i) the free and frank provision of advice, or*
- (ii) the free and frank exchange of views for the purposes of deliberation, or*

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

The qualified person's opinion

This lists the subsections of section 36 which the qualified person decided were engaged. Please tick the relevant subsection(s), and in each case indicate whether the prejudice or inhibition would or would be likely to occur and the reasons for this.

Section 38(1)(b) — health and safety

This exemption applies where disclosure of information would or would be likely to endanger the safety of any individual. IPSA understands how disclosure would enable the public to understand more about how public money is spent. In considering disclosure we also must consider our duty of care which extends to members of the public, and any consequences which may arise from our response.

As a direct consequence of the increased level of threat that MPs and their associated parties are now facing, the information that we release under FOIA has been brought into the spotlight. Following the receipt of security advice, IPSA believes that disclosure of travel patterns for MPs, their staff, and their dependants, would compromise their safety. Furthermore, we believe the release of this information has a substantial likelihood of attracting the interest of those with malicious intent who wish to cause harm.

The information has therefore been withheld under section 38 of the FOIA. In accordance with the Act, IPSA maintains that the public interest in withholding this information outweighs the public interest in disclosure at this time.

Advice and Assistance

IPSA is aware of its obligations to both the general public and to MPs' and their associated parties. Since the formation of IPSA in 2010, MPs' pay and business costs have been open and transparent. Every two months we have published MPs' spending data on our website, and once a year we publish MPs' total spend data for the previous financial year.

Due to new and emerging security concerns, IPSA has made the difficult decision to aggregate all travel related claims into an annual travel spend figure for each MP. This helps to ensure that MPs, their staff, and dependents are kept safe, while still allowing the public to have the opportunity to have an insight into how public money has been spent. This change will affect our publication going forward and will be applied retrospectively.

Variations on wording

Section 38(1) – health and safety

This exemption applies to information the disclosure of which would or would be likely to endanger the physical or mental health or the safety of any individual. **IPSA relies on this exemption**

to withhold the addresses of the MPs residential accommodation. While IPSA understands how

disclosure of this information would enable the public to better understand about the rental of

residential properties by MPs and enable public debate in this area, IPSA has to balance this with

a duty of care owed to the MPs, their families and anyone else connected to them in their personal capacity.

MPs operate in a difficult climate and there are an increasing number of reported cases of MPs and their staff experiencing harassment and the vandalism of constituency offices. Even when such situations have not led to physical attacks, the fear which can be felt as a result of a receiving a threat or harassment can be mentally and physically damaging. IPSA feels that the disclosure of the information would be highly likely to endanger the mental or physical health or the safety of the MPs and those connected to them and that this would have a negative impact of the MP's ability to carry out their parliamentary duties effectively.

Sections 40(2) and 40(3A)(a) – Personal information

This exemption applies to information which IPSA considers to be personal data within the meaning of Article 4(1) of the UK General Data Protection Regulation (UK GDPR) which states,

‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly

IPSA considered that the following are personal data within this definition: [ADD]. We then considered whether disclosure of this personal data would breach any of the Principles relating to the processing of personal data in the UK GDPR.

The relevant principle falls at Article 5,

(1) Personal data shall be:

a. Processed lawfully, fairly and in a transparent manner in relation to the data subject

As IPSA was unable to find a lawful basis on which it could rely, within Article 6 of the UK GDPR, it therefore finds that the information is exempt under section 40.

Section 41 — Information provided in confidence

MPs are required to submit full evidence to IPSA to support claims for business costs. [The Scheme of MPs' Staffing and Business Costs](#) states that:

1.5 A claim will not be paid if any part of the claim or the evidence supporting the claim is redacted prior to its submission to IPSA.

In order for a claim to be validated for payment, MPs may be required to provide confidential information to IPSA, for example, third party personal information, commercially sensitive pricing frameworks or detailed breakdowns of meetings attended, or services provided. Some information provided to IPSA in confidence has, therefore, been withheld under section 41(1).

This exemption applies where disclosure of information which has been received by a public authority, in response to a request under the FOIA, would constitute a breach of confidence and where a legal person could bring a court action for the breach and that court action would be likely to succeed. This is an absolute exemption and therefore not subject to a public interest test.

Use of Section 44 of the FOIA to withhold correspondence provided to IPSA in support of claims, the details of which have not yet been published; the correspondence will not be published in the future so section 22 does not apply.

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Section 44 —prohibitions on disclosure

Section 44(1)(a) of the FOIA provides that information is exempt if its disclosure is prohibited by or under any enactment. In this case, section 6(8) of the Parliamentary Standards Act 2009 (PSA), as amended by the Constitutional Reform and Governance Act 2010 (CRA), sets out the conditions for the disclosure of claims. In line with the regulatory functions granted within the PSA, IPSA considers that the premature disclosure of receipts for claims that have not completed the validation process would be inappropriate and therefore those claims are exempt from disclosure. Section 44 is an absolute exemption, and therefore it is not necessary to carry out a public interest test.

[Name]
[Address]
[Address]
[Address]

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[Date]

Dear [Name]

Request for Information. Ref: [INSERT RFI]. Extension of time limit

I am writing regarding your request dated [Insert Date] made under the Freedom of Information Act 2000 (FOIA) and the acknowledgement sent to you on [Enter the date of the acknowledgement letter].

I am now writing to advise you that it is necessary to extend the period for consideration of your request by [x working days]. The Act allows for the extension of time, by up to an additional twenty working days in certain circumstances as specified in Section 10(3) where the public authority:-

- requires more time to determine whether or not the balance of the public interest lies in maintaining an exemption; or
- needs further time to consider whether it would be in the public interest to confirm or deny whether the information is held.

The decision to extend the timeline for responding to your request has been made as [Insert a text explaining the reasons]. This means that you can now expect to receive your decision by [Insert Date].

Yours sincerely

Information Governance Team