

Freedom of Information Act – Request reference CAS-54508

1. On 12 January 2017 IPSA received a request under the Freedom of Information Act 2000 (“the Act”) in the following terms :-

“Please supply all correspondence relating to Ian Paisley’s overspend on his office and accommodation budgets since 11 June 2014.”

2. On 9 February 2017 my opinion was sought as IPSA’s ‘qualified person’ under the Act as to whether the material requested is exempt from publication under section 36(2)(b)(ii) and/or 36(2)(c) of the Act. I was asked specifically to consider whether it is my reasonable opinion that release of the material -
 - a. would, or would be likely to inhibit the free and frank exchange of views for the purpose of deliberation and, therefore whether the exemption at section 36(2)(b)(ii) should apply, or
 - b. would otherwise prejudice, or would be likely otherwise to prejudice the effective conduct of public affairs and therefore whether the exemption at section 36(2)(c) should apply.
3. I have considered the full correspondence between IPSA and Ian Paisley MP between 13 June 2014 and 17 February 2017. It relates to his financial relationship with IPSA and specifically to sums owed by him to IPSA and to arrangements for the repayment of such sums.
4. It is central to the scheme for the payment of MP’s business costs and expenses administered by IPSA (the ‘scheme’) that information as to claims made and either met or rejected should be available to the public. That is achieved by regular publication of such information on IPSA’s website. The publication includes information as to the budgets available to each MP, full details of expenditure, and the total amount of any overspend, ie expenditure in excess of budget, in each financial year. Details of individual claims made but rejected are also published on the website. Thus information as to overspend of his budget by Ian Paisley MP either has been, or will be published on the website depending upon the year in which such overspend occurred.

5. In so far as it relates to overspend by Ian Paisley on his office and accommodation budgets, the information contained in the correspondence in issue, but which will not be the subject of routine publication, relates to discussions between Ian Paisley and IPSA staff as to his personal financial circumstances and management of his financial affairs, in particular as to arrangements to repay sums due to IPSA.
6. The public interest in ensuring confidence in the IPSA system is met by regular publication of full details of each MP's claims, whether met or unmet, and, on an annual basis, of any overspend against budget. In my opinion there is no public interest in publication of confidential discussions between an MP and the IPSA staff as to his or her personal financial circumstances.
7. Secondly disclosure of such material could lead to a breakdown of trust between IPSA and the applicant MP, which could have the further consequence of inhibiting other MPs in making arrangements with IPSA for repayment where there has been overspend against budget. The fair and proper administration of the scheme depends upon a full and frank disclosure of relevant facts. If MPs were to be inhibited in the provision of material presented in relation to arrangements for repayment of an overspend, the panel's decision making process could be adversely affected.
8. Thirdly disclosure of such material could lead to a significant breakdown of trust between IPSA and Mr Paisley, and subsequently with other MPs, thereby directly affecting the manner in which MPs and IPSA staff interact, which could have an adverse effect on IPSA's conduct of public affairs.
9. Fourthly the correspondence with Mr Paisley permits a record to be kept of discussions about and decisions made in relation to his repayment of overspend. To disclose such correspondence would have the effect of discouraging MPs from committing personal considerations relevant to such matters to writing, which would adversely affect IPSA's record keeping and prejudice the effective conduct of public affairs.

10. Fifthly by means of confidential exchanges between Mr Paisley and IPSA, and the guidance given to him in the management of his personal financial affairs, the outstanding sums owed by him to IPSA have been substantially reduced; and he is on schedule to repay the full amount outstanding by the end of the financial year. Disclosure of the correspondence would be likely adversely to affect any further such confidential discussions with Mr Paisley or with other MPs in similar circumstances, which would also prejudice the effective conduct of public affairs.
11. Accordingly I consider that disclosure of the material requested would be likely to inhibit the free and frank exchange of views for the purpose of deliberation by IPSA as to the proper administration of the scheme, and is therefore exempt under section 36(2)(b)(ii) of the Act.
12. I further consider that the material requested is also exempt from publication under section 36(2)(c) of the Act as its disclosure would be likely to prejudice the effective conduct of public affairs.

Sir Robert Owen

23 February 2017