



FREEDOM OF INFORMATION REQUEST	
Reference Number:	COM-1049
Date of disclosure:	8 January 2016
Request summary:	Details of all complaints handled by the Compliance Officer in 2015-16
Exemptions used:	Section 40

ORIGINAL REQUEST

Please could I be supplied with the names of all MPs subject to complaints “assessed” by the compliance officer since April 2014.

Could this information include the substance of the allegation, any remedy (such as repayment or apology), and whether the officer considered the complaint was valid/upheld.

ORIGINAL RESPONSE

The Compliance Officer for IPSA holds the information that you request.

As you may be aware, on 3 December 2015, we responded to a request made under FOIA in which we provided details of complaints handled by the Compliance Officer in the financial years 2012-13, 2013-14 and 2014-15. You can view a copy of our response on our website at the following address:

<http://www.parliamentarycompliance.org.uk/transparency/Pages/freedom-of-information.aspx>

In responding to your request, we have updated this information to provide details of complaints received in 2015-16, to the date of your request. [Please click here to view this information](#). This provides the substance of the complaint, the date, the outcome and the reason for the outcome.

We have withheld information as to the personal identities of the MPs (except for instances where the information is already publicly available). This information is considered personal data under the terms of the Data Protection Act 1998 (DPA). As such, we are required by the DPA to consider whether or not it would be fair and lawful to disclose this information. We do not believe it would be ‘fair’ – as required by the 1st Data Protection Principle under the DPA – to disclose the MPs’ names. We have briefly outlined our views for this conclusion below.

In handling complaints we must act in accordance with the Parliamentary Standards Act 2009 (PSA). The Act requires IPSA to set procedures for the Compliance Officer’s handling of investigations (section 9A of PSA), including what information to publish. These are the “Procedures for Investigations by the Compliance Officer for IPSA”, which we assume are the procedures you refer to in your email of 8 December (and a copy of which can be found on our website). The procedures balance the legitimate interests of the public in transparency and accountability with the rights and freedoms (including as to data protection and privacy) of MPs. Where the Compliance Officer considers that an investigation is warranted, information including the particular MP’s name is published in accordance with paragraphs 27 and 28 of the procedures. Neither the procedures nor PSA provide for information to be published identifying that an allegation was made against a particular MP which did not warrant an investigation being opened. Consequently it is not in the reasonable expectations of MPs as data subjects that such information will be disclosed under FOIA to the world at large.

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It is recognised that there is a legitimate interest in the public knowing about the operation of the regulation of the MPs' expenses Scheme, given the public profile of the individuals involved, their public and civic duties and the recent publicised concerns as to MPs expenses. However, in our view, the potential prejudice incurred is likely to outweigh any legitimate interests in disclosure, which are largely or entirely satisfied by the information that is published in accordance with the procedures, by the anonymised information we publish about complaints for which an investigation was not opened and by our annual report.

As a result the exemption at section 40(2) of FOIA applies. In our view, it would be unfair to the MPs as data subjects to disclose their names with the information attached. Section 40(2) provides that personal information about third parties is exempt information if disclosure would breach any of the data protection principles in the DPA. This includes the fair processing principle (Principle 1) of the DPA, where it would be unfair to those persons. Further information on personal data and its relationship with FOIA can be found via [ICO guidance](#).

On a side note, you may be interested to know that, in the interests of increasing transparency in the work of the Compliance Officer, we have resolved to actively publish information on complaints on a regular basis. In the coming weeks, the existing case handling statistics already published on our website will be accompanied by details of all complaints handled by the Compliance Officer during the period. This information will be updated quarterly thereafter.