Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **29 November 2018**

Public Authority: **Independent Parliamentary Standards Authority**
Address: **4th Floor**
30 Millbank
London
SW1P 4DU

Decision (including any steps ordered)

1. The complainant has requested the materials provided to the Independent Parliamentary Standards Authority (IPSA) by the European Research Group (ERG) in relation to the 2015-2016 Assurance Review of Pooled Services (updated in June 2017) undertaken by IPSA.

2. IPSA originally withheld the information under section 43(2) – prejudice to commercial interests. However during the internal review of its handling of the request, IPSA withdrew its reliance on section 43(2) and instead withheld the information under section 36(2)(c) – prejudice to the conduct of public affairs.

3. The Commissioner's decision is that IPSA is entitled to rely on section 36(2)(c) to withhold the information.

4. The Commissioner does not require the public authority to take any steps in respect of this matter.

Request and response

5. On 21 January 2018, the complainant wrote to IPSA and requested information in the following terms:

"I understand that as part of IPSA's assurance review, it scrutinised examples of materials produced by each of the pooled staffing services, including the European Research Group.

In light of this, I would like to request all materials produced by the

European Research group that was scrutinised by IPSA as part of its assurance review."

6. IPSA responded on 23 January 2018. It cited a previous request that had asked for the same information as the complainant where IPSA had withheld the requested information under section 43(2) – prejudice to commercial interests.

7. Having asked IPSA for an explanation of how this section applied to the requested information, the complainant requested an internal review on 22 March 2018. Following the internal review on 22 May 2018 IPSA revised its position and withdrew its reliance on section 43(2). However IPSA continued to withhold the information, now citing section 36(2) – prejudice to the conduct of public affairs.

Scope of the case

8. The complainant contacted the Commissioner on 17 June 2018 to complain about the way her request for information had been handled.

9. The Commissioner considers the matter to be decided is whether IPSA is entitled to withhold the requested information under section 36(2)(c) on the basis that its disclosure would or would be likely to prejudice the conduct of public affairs.

Background

10. IPSA was established in 2010. Under the Scheme of MPs' Business Costs and Expenses (the Scheme) it is responsible for regulating MPs' business costs and expenses and for providing financial support to MPs in carrying out their parliamentary functions. Under the Scheme money is available to support Parliamentary work, but not for party political purposes.

11. Where a group of MPs share a particular interest and require research and briefing papers on that topic, they are able to pool their resources and collectively pay for that service. Under the Scheme MPs can claim for the costs of subscribing to such services. There are currently five such services, one of which is the European Research Group (ERG), which provides briefings to Conservative MPs on issues relating to the UK's relationship with the European Union.

12. IPSA carries out regular assurance reviews of different areas of spending to assure itself, and the public, that the claims made under the Scheme are in accordance with its conditions, including that it is spent on parliamentary work, not for party political purposes. The request relates

to an assurance review of all five pooled services that was conducted in 2016 and the further review that was conducted in 2017, following which the earlier report was updated. As part of the assurance review IPSA was supplied with samples of the briefing materials produced by the pooled services, including ERG.

13. The updated report was published on IPSA's website. In respect of ERG the report concluded that the cost of the services it provided were eligible costs under the Scheme, that the service did not constitute party political work and that the costs of the service did not constitute campaign expenditure.

Reasons for decision

14. The complainant sent a detailed argument questioning the reasonableness of the qualified person's opinion as follows –

    - That she did not see how the release would jeopardise IPSA's relationship with the ERG and that it was not clear if the ERG had been asked whether it would cooperate with IPSA in the future should this information be released.
    - The complainant questioned the issue of confidentiality between IPSA and the ERG and on what it was based.
    - She also questioned whether the inhibition to the other pooled services was speculative and whether they had been asked.
    - The complainant argued that the idea that releasing this information would upset the other organisation went against the principles of the FOIA.

15. The complainant also asked the Commissioner to look at the public interest reasons that IPSA had provided. She stated that the funding and activities of the ERG had been questioned by Labour MPs. She further argued that Brexit was of such importance that the public had a right to know and access the information that MPs were relying on to influence government policy. She argued that tax payers' money was being used by MPs to fund the ERG and for that reason it should be accountable.

16. The Commissioner is aware that only one month separated this request to IPSA from another request (FS50742951) for the same information which had also been the subject of a complaint to the Commissioner. Although the Commissioner has considered this complaint on its own merits, the circumstances at the time of the request were substantially the same. Consequently she is relying on the reasons for the decision made in FS50742951.

17. The qualified person's opinion was sought on both this request and the request in FS50742951. IPSA has relied on the same arguments and reasoning for its refusal to provide the requested information in this case as in FS50742951. The Commissioner is satisfied that the similarity between the arguments submitted in this complaint and the request in FS50742951 are such that she is able to reach the same decision. For this reason the Commissioner has adopted the analysis set out in paragraphs 13-40 of that decision notice. Accordingly she does not intend to replicate the reasons for her decision here. IPSA is therefore entitled to rely on section 36(2)(c) of the FOIA.

Right of appeal

18. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

    First-tier Tribunal (Information Rights)
    GRC & GRP Tribunals,
    PO Box 9300,
    LEICESTER,
    LE1 8DJ

    Tel: 0300 1234504
    Fax: 0870 739 5836
    Email: GRC@hmcts.gsi.gov.uk
    Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed .....

Pamela Clements
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