

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 September 2024

Public Authority: House of Commons
Address: London
SW1A 0AA

Decision (including any steps ordered)

1. The complainant has requested information about a decision not to debate the UK's membership of the WHO. The House of Commons relied on section 34 (Parliamentary privilege) to withhold the information.
2. The Commissioner's decision is that disclosure would have infringed parliamentary privilege and therefore the House of Commons was entitled to rely on section 34 of FOIA.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 10 March 2024, the complainant wrote to the House of Commons and, referring to a decision taken, by the petitions committee, not to debate a particular e-petition, requested information in the following terms:

"you have not disclosed who proposed that the Committee did not schedule a debate on it. We have to therefore assume that it was the Chair, Cat Smith, MP?..."

"...Therefore, I ask for a copy of the minutes of that meeting. I am sure you can remove any comments which are genuinely private and confidential.."

5. The House of Commons responded on 25 March 2024. It relied on section 34 to withhold the information. A position it upheld following an internal review.

Reasons for decision

6. Section 34 allows a public authority to withhold information whose disclosure would infringe the privilege of Parliament.
7. Parliamentary privilege is not defined in law. In broad terms it covers the right of Parliament and its individual members, to go about its work free of external interference.
8. Within our constitution, Parliament must be absolutely sovereign. This means it must be free to make its own decisions, to carry out its own work and to manage its internal affairs. Individual members must be free to go about their work without fear of being sued for what they say within Parliament. This means that proceedings in Parliament cannot be questioned by the Government, the courts or by anyone else.
9. The requested information relates to a decision of the petitions committee. The petitions committee reviews all parliamentary e-petitions that reach 100,000 signatures. Where a petition reaches this threshold, the committee may choose to schedule a debate in the chamber of the House of Commons or in Westminster Hall when Parliamentary time allows. The committee has absolute discretion over the petitions it selects.
10. The complainant is understandably frustrated that an issue of importance to him (as well as many others) was not debated in Parliament. He wants to know how that decision was reached and by whom.
11. Unfortunately such matters fall squarely within the privilege of Parliament. Not only do they relate to the proceedings of a particular committee of the House, but they also directly relate to the selection of matters for the House to debate. It is for Parliament to decide what it wishes to debate and it is not obliged to explain to the outside world why certain matters have, or have not, been chosen. Disclosing this information would therefore infringe on Parliament's absolute, unquestioned right to select the matters it wishes to consider and therefore infringe privilege.
12. Section 34 is thus engaged. There is no requirement to consider the public interest.

Right of appeal

13. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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

Roger Cawthorne
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