

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 October 2013

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

### Decision (including any steps ordered)

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1. The complainant requested a list of Freemasons working in the Houses of Parliament. Other than a voluntary disclosure via the Register of Financial Interests where MPs may optionally declare membership of the Freemasons as an unremunerated interest, the House of Commons (the 'HOC') said it did not otherwise collect or hold the requested information.
2. The Information Commissioner's decision is that the HOC, on the balance of probabilities, does not hold the requested information. He therefore does not require the HOC to take any steps.

### Request and response

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3. On 10 June 2013 the complainant wrote to the HOC and requested information in the following terms:  
  
*"Please will you make available a list of Freemasons working in the Houses of Parliament.  
  
And specifically a list of Members of Parliament who are also Freemasons."*
4. The HOC responded on 18 June 2013. It stated that it holds a Register of Financial Interests where MPs have to declare interests that may impact on their affairs in Parliament. It advised that in some cases MPs may optionally declare membership of the Freemasons as an unremunerated interest on this register. Given that this is a voluntary

disclosure, the HOC said the register may not contain details of every MP who is a Freemason. It provided the complainant with the appropriate weblink to access the register and confirmed that, other than this, it does not collect or hold information about membership of the Freemasons.

5. The complainant requested an internal review on 20 June 2013. Following an internal review the HOC wrote to the complainant on 16 July 2013. It maintained its position but added that MPs occasionally declare non-registered interests to the House or in committee when the interest specifically relates to the business before the House. Whilst the HOC confirmed it does not keep a register of such declarations, it provided the complainant with a link to the Official Report which contains such declarations.
6. In addition, the HOC explained that when such declarations are made in select committee meetings, either in public or private, they are recorded in the formal minutes of that committee. It provided the complainant with a link to the select committee website where the formal minutes are published. Finally, the HOC advised the complainant that if he wished to request information on members or staff of the House of Lords who are members of the Freemasons he should contact the House of Lords directly, as the Commons and the Lords are separate public authorities for the purposes of the FOIA.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 18 July 2013 to complain about the way his request for information had been handled. He also raised matters which are not applicable for consideration under FOIA and so are not covered in this notice.
8. The Commissioner has considered whether, on the balance of probabilities, any further relevant information is held by the HOC.

## **Reasons for decision**

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### **Section 1**

9. Section 1 of FOIA states that:

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

10. The task for the Commissioner here is to determine whether, on the balance of probabilities, the HOC holds any further information relevant to the request which it has not disclosed to the complainant. Applying the civil test of the balance of probabilities is in line with the approach taken by the Tribunal when it has considered the issue of whether information is held in past cases.
11. The Commissioner asked the HOC to explain the extent of the search undertaken in order to respond to the request. In response the HOC advised that the request had, in accordance with its standard procedures, been considered by the office of the Parliamentary Commissioner for Standards and by the Central Information and Administration team in its Department of Human Resources and Change. The HOC told the Commissioner that these would be the locations where any relevant information would be held about MPs or House staff if it was collected. It confirmed that it has no reason to collect relevant information about MPs' staff as they are separately employed by each individual MP.
12. The HOC said that its Information Rights and Information Security team sends the following guidance to staff to assist them in their search for information:

*"You should check the relevant records and indexes and consult other staff as appropriate. You will have to find the information requested before you can decide whether to release it. You may have to look in a variety of places, and at paper records as well as electronic records. You should record what steps you have taken to locate the information. Once you have collected all the relevant material you must assess it for release. If you have not already done so you should check what information is already publicly available."*
13. The HOC stated that the relevant staff had carried out a search in accordance with the above guidance and had confirmed that no information is held.

### *Conclusion*

14. On the basis of the explanation provided by the HOC, the view of the Commissioner is that the HOC has carried out an appropriate and sufficient search for the requested information. His conclusion is therefore that, on the balance of probabilities, the HOC does not hold the requested information.

## Right of appeal

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15. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

16. 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.
17. 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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**