



**The Commissioner for  
Public Appointments**

**OFFICIAL – contains personal data**

**Clare Salters  
Chief Executive**

G/08, 1 Horse Guards Road, London, SW1A 2HQ

Telephone 020 7271 0830

E-Mail [chief.executive@csc.gov.uk](mailto:chief.executive@csc.gov.uk)

BY EMAIL ONLY

Our refs: 219, 220, 223, 224, 225, 226 and 227

26 February 2016

## **SUBJECT ACCESS AND FREEDOM OF INFORMATION REQUESTS**

Thank you for your emails of 31 January, 1 February, 9 February and the three dated 17 February, in which you make a Subject Access Request under the Data Protection Act 1998 (DPA) and three requests for information under the Freedom of Information Act 2000 (FOIA).

I appreciate that you expressed a preference to visit OCPA on Monday 15 February or Tuesday 1 March 2016 for the purpose of viewing the information. Unfortunately it has not been practical for us to accommodate this.

The Commissioner has also received your four emails dated 4 February entitled 'Complaint to OCPA' (numbered 1 to 4) and the subsequent correspondence on these matters, including your email dated 23 February, detailing complaints under the Commissioner for Public Appointments' Code of Practice for Public Appointments. He has asked me to confirm that we will be considering that separately in the normal way.

### **Your requests**

You asked, under the DPA, for:

*all of:*

- (i) my personal data;*
- (ii) the purposes for which the data was being processed;*
- (iii) those to whom my data has been or may be disclosed;*

(iv) the data communicated to me in an intelligible form (providing an explanation for information which cannot be understood without explanation); and

(v) any information as to the source of the data.

In addition, under the FOIA, you requested:

*[Email of 31 January] As my personal data may be recorded in documentation and electronic records that contain information that may not be my personal data I shall be grateful if the balance of the material can be provided to me (including pursuant to the Freedom of Information Act). My intention being that I have the complete recorded information that contains my personal data. This should make the provision of information easier for you.*

*[Email of 1 February] Please can OCPA provide me with all the recorded information it holds with regard to the appointment of a new Information Commissioner to replace Christopher Graham.*

*[Email of 9 February] I would like the recorded information about the recruitment and training of Public Appointment Assessor Rosie Varley OBE.*

*[Email of 17 February @ 13:40] Please can you provide the recorded information regarding the diary appointments on Monday 15.02.2016 of (1) Sir David Normington, (2) Clare Salters, (3) Clive Barbour and (4) Alex Morrow.*

*[Email of 17 February @ 13:51] I would like the recorded information about the guidance, training and procedures followed by the Commissioner and his personnel in investigating complaints about the appointment processes within his remit.*

*[Email of 17 February @ 14:08] I would like the recorded information about the guidance, training and procedures followed by the Commissioner and his personnel in handling Subject Access Requests under the Data Protection Act and requests under the Freedom of Information Act as well as compliance with the Nolan principle of 'openness'.*

### **Response to your Subject Access Request**

In response to the questions posed in your letter, I can confirm the following:

(i) & (v) At the time of your request, OCPA held the following personal data relating to you:

- a summary of you provided by Gatenby Sanderson in a document entitled 'Application Summary', circulated to the selection panel for its sift meeting;
- your application (submitted by yourself) and a summary of you/your application provided by Gatenby Sanderson in the Pack provided for the sift meeting;
- the extract relating to you in the blank panel sift sheet, circulated to the panel before the sift meeting, and the comments of the panel member who was unable to attend the sift meeting and who therefore submitted comments in advance of the meeting. This panel member's identity constitutes third party data that we have concluded would be unreasonable to release; and

- the assessment of you in the sift panel report, including its annex, produced by DCMS.

Since your request, OCPA has received a series of correspondence from you, some of which contains personal data. Since this originated from you and was received after your request, I consider it outwith the scope of your request.

(ii) The purpose for which it was being processed was to consider your application for the post of Information Commissioner.

(iii) At the time of your request, the only person within OCPA to have had access to your personal data was Rosie Varley, chair of the selection panel. Since receiving the request, staff in the OCPA office have had or may have access to this information for the purpose of responding to your requests. Our legal advisers have also had or may have access to this information for the purpose of providing privileged legal advice in relation to your requests.

(iv) All of your personal data held by OCPA at the point at which your request was made is being released in response to your subject access request. In view of your related Freedom of Information request, it is being released within the context of the wider documents from which it came – these are listed below under the references to your 31 January and 1 February information requests.

OCPA has waived its right to charge a fee for this disclosure.

#### **Response to your 31 January and 1 February Freedom of Information requests**

Your 31 January request asked for the balance of material in the documents and records that contained your personal data. Your 1 February request asked for all other recorded information held by OCPA in relation to the appointment of a new Information Commissioner to replace Christopher Graham.

The following information relevant to your requests is held and is being released with this letter except as described:

- Email exchange between MOJ and OCPA staff, and between OCPA staff, about the allocation of a Public Appointments Assessor to chair the selection panel for the Information Commissioner competition (three emails sent between 29 and 31 July 2015) – **DOC 1** in enclosed release information. Others' personal data withheld under s.40(2) and information not relevant to the request has been redacted.
- Email exchange between OCPA staff and Rosie Varley, the OCPA Assessor chairing the selection panel, about progress on the competition (two emails both dated 20 October 2015) – **DOC 2**. Others' personal data withheld under s.40(2) and information not relevant to the request has been redacted.
- Email exchange between DCMS staff and Rosie Varley, about the decision to extend the deadline for applications (two emails both dated 4 January 2016) – **DOC 3**. Others' personal data withheld under s.40(2) and information about the reasons for extending the deadline withheld under s.36(2)(c).

- Email sent by DCMS staff to the selection panel (including Rosie Varley) on 20 January 2016, enclosing briefing for the panel sift meeting (attachments listed separately below). This has been withheld under s.40(2) and s.36(2)(b)(ii) & (c).
- Panel sift brief produced by DCMS and circulated under cover of the 20 January 2016 email – **DOC 4** contains the brief and Flags A and B; **DOC 5** is Flag C. Others' personal data is withheld under s.40(2).
- Application Summary document produced by Gatenby Sanderson – **DOC 6**. Others' personal data is withheld under s.40(2).
- Pack produced for the Panel by Gatenby Sanderson – relevant extract at **DOC 7**. Others' personal data is withheld under s.40(2).
- Comments from the panel member who was unable to attend the sift meeting. Those that constitute your personal data state: '*C (score) - Insufficient experience of information rights and leadership on this scale*'; the comments on other applicants and the identity of the panel member are withheld under s.40(2).
- Panel sift report, including Annexes A and B – **DOC 8**. Third party personal data withheld under s.40(2); other information withheld under s.36(2)(b)(ii) & (c).

**Response to your 9 February Freedom of Information request**

We hold the following information relating to the recruitment and training of Rosie Varley as a Public Appointments Assessor (PAA).

- The candidate brief and job specification for PAAs, published in November 2011 – **DOC 9** in the enclosed release information.
- Rosie Varley's application, CV and covering letter, dated 8 December 2011 – withheld under s.40(2).
- Agenda for the shortlist meeting held on 15 December 2011, which took the form of a sift framework – **DOC 10**.
- Sift sheet relating to the panel's consideration of Rosie Varley's application, undated but understood to be 15 December 2011 – withheld under s.40(2).
- List of interviewees, their contact details and any comment they had made in their application about availability for interview. Personal data withheld under s.40(2). There is no recorded information about Rosie Varley's availability.
- Agenda for the interviews held in January 2012 – **DOC 11**.
- Outline Areas of Questioning, circulated with the agenda for interviews – **DOC 12**. Information about areas to probe with individual candidates is withheld under s.40(2).
- Timetable for interviews in January 2012, circulated with the agenda – all the recorded information in this document that is within the scope of your request is disclosed as follows: the interviews were held on Monday 9, Thursday 12, Friday



20, Wednesday 25, Monday 30 and Tuesday 31 January 2012. Rosie Varley's interview was scheduled to take place between 1445 and 1545 on Monday 30 January. No other information in the document is within the scope of your request.

- Handwritten notes taken by the panel during Rosie Varley's interview and typed up summaries of these plus those relating to other applicants – withheld under s.40(2), s.36(2)(b)(ii) and s.36(2)(c).
- Report of panel meeting on 31 January 2012 – **DOC 13**. Personal data withheld under s.40(2) and information relating to the panel's deliberation on individuals additionally withheld under s.36(2)(b)(ii) and (c).
- Letter from David Normington to Rosie Varley, dated 14 February 2012, confirming her appointment as a PAA subject to final checks – **DOC 14**. Personal data withheld under s.40(2).
- Public announcement of PAA appointments, issued on 12 March 2012 – available on our website at <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/PAA-Announcement-12-March-12.pdf> and so exempt under s.21.
- Letter from David Normington to Rosie Varley, dated 22 March 2012, with her formal contract of appointment – **DOC 15**. Personal data withheld under s.40(2).
- Rosie Varley's signed acceptance of appointment, dated 26 March 2012 – **DOC 16**.
- Email between two OCPA staff (Leila Brosnan and Richard Jarvis) proposing a timetable for training the new PAAs – **DOC 17**. The final four digits of Leila Brosnan's telephone number are withheld under s.40(2) on the grounds that she no longer works at OCPA.
- Slide pack entitled 'Introduction to Public Appointments, produced by Leila Brosnan for use at the 2012 training sessions for new PAAs – **DOC 18**.
- Slide pack entitled 'Chairing competitions', produced by Leila Brosnan for use at the 2012 training sessions for new PAAs – **DOC 19**.
- 'Chairing competitions' guidance, April 2012 – this is available on our website at <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/06/Chairing-Competitions.pdf> so exempt under s.21.

#### **Response to your 17 February @ 13:40 Freedom of Information request**

The recorded data held are disclosed in full as follows:

- Monday 15 February was a non-working day for Sir David Normington;
- Clare Salters was on annual leave on Monday 15 February;
- Clive Barbour had no diarised meetings on Monday 15 February; and
- Alex Morrow was working from home on Monday 15 February.

**Response to your 17 February @ 13:51 Freedom of Information request**

There are two pieces of recorded information that fall within the scope of your request. One is the Commissioner's complaints procedure document, which is available on our website at <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2013/04/Commissioner-for-Public-Appointment-Complaints-Procedure.pdf>, and is therefore exempt under s.21.

The other record is the 13 September 2013 letter of delegations from the Commissioner to me, which refers to the exceptional delegated authority to adjudicate on complaints in the Commissioner's absence. This information is released in full – **DOC 20** in the enclosed release information.

**Response to your 17 February @ 14:08 Freedom of Information request**

Our practice within OCPA is to rely primarily on the ICO guidance published on the ICO website, rather than to recreate variations on this. The ICO guidance is freely available on the ICO website ([www.ico.org.uk](http://www.ico.org.uk)) so is exempt under s.21.

There are, however, three pieces of recorded information that fall within the scope of this request. The first two are both powerpoint presentations that were delivered to staff within the Secretariat (one in 2013, the other in 2014). This information is in the enclosed release information – **DOC 21** and **DOC 22**. The names of junior officials within the secretariat here and contained within those documents have been withheld under s.40(2); information specific to the other independent bodies supported by this Secretariat is outwith the scope of your request and has therefore been removed.

The third piece of recorded information is an email from one of the junior officials who delivered the presentation in DOC 22 sent to colleagues within the Secretariat shortly after the presentation. It reads: "Forgot to say (on a procedural point) that when you use a qualified exemption for which you are giving a Public Interest Test (PIT) argument you can extend the time for response by another 20 working days (so 40 in total). So you normally send out a letter to the requester saying that you are considering the public interest test on day 20 and get another 20 days from then. This is useful if you are having to do a complicated argument eg you need to get a Chair/David to agree to a section 36 submission. You should really only do this when you are considering a complex PIT argument. It just gives you a bit more time to complete the case. Sorry for the omission."

**Personal data withheld under s.40(2) of the FOIA**

The names and other personally-identifying information about other applicants in the competitions to appoint a new Information Commissioner in 2015-16 and to recruit Public Appointments Assessors in 2011-12 constitute personal data, as do the personal contact details of panel members and the identity of individual panel members when it comes to the attribution of their individual comments. Section 40(2) of the FOI Act allows public authorities to withhold personal data if disclosure would contravene any of the data protection principles listed in the Data Protection Act 1998. It is for the Commission to make a judgment in relation to whether the data protection principles would be contravened and the fairness of releasing data. If it would not be fair to the data subject to disclose their personal data, an absolute exemption from disclosure applies. Even if the disclosure of personal data might be fair in some individual cases, further consideration is

then given to Schedules 2 and 3 to the Data Protection Act, including whether processing might be necessary for the purposes of legitimate interests.

Public appointments competitions are run on the basis that the appointing Department and the selection panel undertake to treat applications in confidence, thereby creating a reasonable expectation that their names or similarly personally-identifying information, will not be released publicly. To release personally-identifying information (including their names) would therefore, in OCPA's view, be unfair and would therefore contravene the first data protection principle. An absolute exemption from disclosure applies.

Likewise, the personal contact details of individual panel members constitute personal data which they have a reasonable expectation will not be released publicly. Similarly, panel members reach a single, agreed panel decision as to their collective view on candidates at the sift stage and would not anticipate having individual opinions contributed attributable to them. To release this information to a third party would be unfair and contravene the first data protection principle. Again, an absolute exemption from disclosure applies.

In the case of the names of junior officials within DCMS and MOJ, OCPA has consulted DCMS and MOJ on those departments' normal policy in respect of disclosing the names of officials below the SCS who do not have a public-facing role. The purpose of this consultation was to establish whether or not they might have had a reasonable expectation that their personal data (in this case, their names as attendees at a meeting and circulation of material to the panel, in which they were involved for purely administrative purposes) would be protected by their employer. DCMS and MOJ have both advised that their normal policy is not to disclose the names of junior officials unless they work in a public-facing role. As these individuals did not work in public-facing roles, they would therefore have had a reasonable expectation that their names would not be disclosed publicly. In OCPA's view, therefore, releasing their names would be unfair and would contravene the first data protection principle. Again, an absolute exemption from disclosure applies.

In the case of junior officials within OCPA, our normal practice is to release names in relation to their public-facing roles and where they are carrying out business on behalf of the Commissioner. That is reflected in our decision to release their names where they occur in the majority of the records being released with this letter (including those that are referred to within the presentations). The authorship of the 2014 presentation on the FOI Act is, in my view, different as it was produced by the two staff concerned for the purposes of an internal project and was related to their personal professional development. It was not produced for external publication. The staff in question had no expectation that their names would be released publicly as authors of an internal document on FOI cases, in contrast to the expectation they would have had in relation to other duties they carry out. In OCPA's view, therefore, releasing their names would be unfair and would contravene the first data principle. As before, an absolute exemption from disclosure applies.

Personally-identifying information about applicants, individuals' personal contact details and the names of junior DCMS and MOJ officials and the identity of the panel member whose written comments were circulated ahead of the sift meeting have therefore been withheld under section 40(2) and redacted in, or otherwise removed from, the information as released with this letter.



**Information withheld under s.36(2)(b)(ii) and s.36(2)(c)**

Section 36 of the FOI Act exempts information from disclosure where, in the reasonable opinion of a qualified person, disclosure of the information would or would be likely to prejudice the effective conduct of public affairs. As a public authority rather than a Government Department, OCPA falls within s.36(1)(b) of the FOI Act. Section 36 is subject to a public interest test.

The Commissioner for Public Appointments, Sir David Normington (the 'qualified person' for OCPA under the FOI Act), considers that the following information is caught by s.36(2)(b)(ii) and s.36(2)(c) as its disclosure would be likely to inhibit the free and frank expression of views, the purpose of which was to inform the deliberations of the panel, and would be likely more generally to prejudice the effective conduct of public affairs. Much of the information constitutes personal data that has, in any case, been withheld already under s.40(2) (see above). The information that the Commissioner considers to be covered by s.36 is:

- the 20 January 2016 email from DCMS officials to the selection panel for the 2015-16 competition to appoint an Information Commissioner;
- information, in the 4 January 2016 email from DCMS to Rosie Varley, about the number of applications that had been received 24 hours prior to the deadline and the reasons put forward for extending the deadline to allow the headhunters' work to continue for a bit longer;
- information in the note of the panel sift meeting, held on 28 January 2016; and
- the individual panel members' notes on Rosie Varley and the record of the panel's deliberations on other applicants contained within the hand-written notes and record of the panel's decision in relation to the 2011-12 competition to appoint PAAs.

Section 36 is a qualified exemption and so we considered whether the balance of public interest favoured disclosure of the information or maintenance of the exemption.

In favour of disclosure, we took into account the strong public interest in knowing that the processes for selecting those to hold public office are transparent and accountable, as well as the importance of maintaining public confidence in the integrity of the system.

In favour of maintaining the exemption in relation to the material relating to the 2015-16 Information Commissioner competition, we concluded that there would be a risk both to this competition and the public appointments process more generally if applicants felt that information about them was likely to be disclosed. This is also the case in relation to information that does not name or specifically identify individuals but reflects the panel's deliberation and/or consideration of the field as a whole. This is because if such information was released those with access to it would be likely to assume that it would be possible for those who had applied to infer a qualitative assessment of their application from the information. This would be likely to deter individuals from applying for public office in future if they believed that an assessment of them, or information from which this could be inferred, was likely to be released publicly. In addition, it is an essential part of the panel selection process that individual panel members feel free to contribute their individual views of candidates, in order for there to be a frank exchange of views to inform the panel's deliberations. It is the view of the Commissioner that such an open and frank



exchange of views is essential to ensure that an objective assessment is made of candidates. These arguments hold even greater weight at a time when the competition is under way. In the Commissioner's view, it is not in the public interest for it to appear either that a running commentary is being provided on an ongoing competition, or the panel's deliberations about individual candidates, are being disclosed.

The arguments in favour of maintaining the exemption in relation to the information relating to the 2011-12 competition to appoint PAAs are similar. Individuals are likely to be deterred from putting themselves forward for public office if they feel that their personal details of information about their candidature is likely to find its way into the public domain. And it is an essential part of the panel selection process that individual panel members feel free to contribute their individual views of candidates, in order for there to be a frank exchange of views to inform the panel's deliberations. It is the view of the Commissioner that such an open and frank exchange of views is essential to ensure that an objective assessment is made of candidates.

On balance, we concluded that the balance of public interest favoured maintaining the exemption and so this information has been withheld under s.36. As mentioned above, OCPA has appropriately consulted with DCMS in relation to the material it originated in reaching our view on reliance on this exemption.

I can, however, confirm that none of this withheld information relates to you personally (otherwise it would have been considered in response to your Subject Access Request).

#### **Appealing this response**

If you are unhappy with this response to your request, you may write to me to ask for an internal review. Any internal review would be carried out by another person not involved with these requests. Please note that we will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by OCPA. The Information Commissioner can be contacted at:

Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Yours sincerely



Clare Salters  
Chief Executive



Cabinet Office

Public Appointments Mailbox &lt;publicappointments@csc.gov.uk&gt;

**Re: For attention of Clare Salters**

v.uk&gt;

12 April 2016 at 17:38

Ref 258

I am now replying to your second email to Clare Salters. I have treated it as a Freedom of Information request and considered it under the Freedom of Information Act.

**Background**

2. The Charity Commission for England & Wales is regulated by the Commissioner for Public Appointments, and appointments to its Board are subject to the Commissioner's Code of Practice.
3. The Code stipulates that for Chair appointments a Public Appointments Assessor (PAA) appointed by the Commissioner must chair the competition.
4. For member appointments to a Board, a PAA is not required, but the Department concerned is required to follow the principles and requirements set out in the Code of Practice.

**Your requests**

*As regards the appointment of William Shawcross, what was the published person specification for the post of Chair? Where can I find it, please?*

5. We do not hold the Candidate Pack which was issued by the Cabinet Office, but the role and person specification as described in the panel report was as follows:

**Role and Person Specification**

The Chair of the Charity Commission is an important appointment requiring a person of high calibre who has the necessary skills and experience to lead the Charity Commission. They will possess strong leadership skills along with the expertise to oversee the independent, impartial and proportionate regulation of the charity sector.

Candidates should have:

- an established reputation with experience or knowledge from one or more of the private and charity/not for profit sectors

- strong intellectual and analytical ability
- sound knowledge of the charity sector, including an understanding of the role of the charity sector in building a bigger, stronger society and the challenges it faces resulting from changing social and economic circumstances
- a commitment to the sector's effective, independent, proportionate, and impartial regulation
- governance – knowledge of charitable framework (understanding both of grant-making and fundraising and the distinction between the two) to see the problems and be aware of the issues/misuses of funds
- leadership qualities, including the ability to lead and develop a Board
- understanding of the Charity Commission's diverse range of stakeholders and the relationships between the charity sector and the Government/public/private sectors
- capacity to form and maintain good working relationships with all key stakeholders - both at the highest level and at grass roots
- a commitment to providing a high quality service to stakeholders, and delivering value for money for the taxpayer
- excellent communication, influencing and listening skill
- personal integrity and attitudes consistent with the expectations of senior public office.

*Did an Assessor appointed by your Commissioner chair the Panel, and is it public knowledge who it was?*

6. A Public Appointments Assessor was allocated by the Commissioner to chair the panel for the Chair of the Charity Commission; we do not know for sure if the Assessor's name (Mark Addison CB) is in the public domain as we do not have the Candidate pack.

*Is it permissible to know how many names were sent to Ministers by the Panel, and whether William Shawcross was the recommended candidate?*

7. Three candidates were found by the panel to be appointable and their names were sent to the Minister to choose from in accordance with the Code. The candidates were not ranked in any preference. This is a requirement set out in the Code unless a Minister specifically requests appointable candidates to be ranked in order.

*Did the Panel Chair sign off on a report on the appointment as per the Code, and is that report available to the public? If it is not available to a lay person like me, to whom is it available in order to check that all was well with the process?*

8. A panel report was prepared and signed off by the Public Appointments Assessor who chaired the panel in the normal way. The PAA certified in the report:



I am satisfied that this competition met the requirements of the Commissioner for Public Appointments' Code of Practice for Ministerial Appointments to Public Bodies.

9. The report was sent to the Minister for the Cabinet Office who was the appointing authority in this competition with the names of the three appointable candidates and copied to the Commissioner for Public Appointments.

*As regards the subsequent appointment of other Board members in 2013, may I ask again if someone representing your Commissioner was present on all the relevant Panels? Who else was on the Panels in addition to (I presume) the new Chairman William Shawcross? (If the information is available, but not from your office, please redirect me accordingly.)*

*Again, where please can I get hold of the published person specifications for the new members of the Board? And again, is the signed report by the Chair of the Panel available?*

10. Please see paragraph 4 above. The Office of the Commissioner for Public Appointments does not hold any recorded information on the competition to recruit Members to the Charity Commission nor is there any requirement for panel reports for Member competitions to be sent to the Commissioner by Departments.

11. You may wish to approach the Cabinet Office to see if they can be of any assistance to you.

12. If you are unhappy with the reply to your Freedom of Information request, you may write to our Chief Executive Clare Salters to ask for an internal review. We will not normally accept a request for an Internal Review if it is received more than two months after the date that the reply was issued.

13. If you are not satisfied with the outcome of the Internal Review you may apply directly to the Information Commissioner for a decision. The Information Commission can be contacted at Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Clive Barbour

||



**The Commissioner for  
Public Appointments**

**Clive Barbour**  
**Office of the Commissioner for Public Appointments**  
Room G8, 1 Horse Guards Road  
London SW1A 2HQ

Telephone Tel: 0207 271 0835

E-mail [clive.barbour@csc.gov.uk](mailto:clive.barbour@csc.gov.uk)

14 April 2016

Our reference 246 & 247

Thank you for your email of 24 March at 17:35.

2. This reply deals with paragraphs 1, 3, 7 to 10 of that email. The matters you refer to in paragraphs 5, 6 and 11 of your email have been addressed in the correspondence that you received from Sir David Normington and paragraphs 2 and 4 in the correspondence you have from Ekpe Attah.
3. In respect of paragraph 1 of your email, I want to assure you that OCPA has not blocked any of your requests for information.
4. In respect of paragraph 3, I can advise you that Clare Salters drafted the letter of 26 February in response to your earlier requests. She asked me to send it to you with the attachments which I did that evening.
5. You went on to ask:  
  
*7. Please can you now provide me with any signing off report and such further material relating to this competition that OCPA hold since the date of my last request and or the date to which data has been provided subsequent to that request [it is not intended to duplicate the request already made but to obtain anything additional which has been generated since and, also, including anything which was previously withheld but could now be provided having regard to the passage of time.*

6. I am enclosing the panel report of the Information Commissioner competition but parts of it has been withheld for the reasons set out below in paragraphs 9 - 18. The report has been annotated to indicate which of the exemptions under the Act apply.

7. With the exception of this panel report, OCPA holds no further material relating to this competition since the date of your last request.

8. Some of the information in the report has withheld under section 36(2)(b)(ii), section.36(2)(c) and section 40(2) of the Act.

9. Section 36 of the FOI Act exempts information from disclosure where, in the reasonable opinion of a qualified person, disclosure of the information would or would be likely to prejudice the effective conduct of public affairs. As a public authority rather than a Government Department, OCPA falls within s.36(1)(b) of the FOI Act. Section 36 is subject to a public interest test.

10. The Commissioner for Public Appointments, Sir David Normington (the then 'qualified person' for OCPA under the FOI Act), determined, before his term of office was completed, that the report was engaged by s.36(2)(b)(ii) and s.36(2)(c) as its disclosure would be likely to inhibit the free and frank expression of views, the purpose of which was to inform the deliberations of the panel, and would be likely more generally to prejudice the effective conduct of public affairs. Some of the information also constitutes personal data that has, in any case, been withheld also under s.40(2) (see below).

11. Section 36 is a qualified exemption and so I considered whether the balance of public interest favoured disclosure of the information or maintenance of the exemption.

12. In favour of disclosure, I took into account the strong public interest in knowing that the processes for selecting those to hold public office are transparent and accountable, as well as the importance of maintaining public confidence in the integrity of the system.

13. In favour of maintaining the exemption in relation to the material relating to the panel report, I concluded that there would be a risk both to this competition and the public appointments process more generally if applicants felt that information about them was likely to be disclosed. This is also the case in relation to information that reflects the panel's deliberation and/or consideration of the field as a whole.

14. This would be likely to deter individuals from applying for public office in future if they believed that an assessment of them, or information from which this could be inferred, was likely to be released publicly. In addition, it is an essential part of the panel selection process that individual panel members feel free to contribute their individual views of candidates, in order for there to be a frank exchange of views to inform the panel's deliberations. It was the view of OCPA that such an open and frank exchange of views is essential to ensure that an objective assessment is made of candidates.



15. The names and other personally-identifying information about other applicants in the competition constitute personal data, as does the identity of panel members when it comes to the attribution of their individual actions. Section 40(2) of the FOI Act allows public authorities to withhold personal data if disclosure would contravene any of the data protection principles listed in the Data Protection Act 1998. It is for OCPA to make a judgment in relation to whether the data protection principles would be contravened and the fairness of releasing data. If it would not be fair to the data subject to disclose their personal data, then an absolute exemption from disclosure applies.

16. Even if the disclosure of personal data might be fair in some individual cases, further consideration is then given to Schedules 2 and 3 to the Data Protection Act, including whether processing might be necessary for the purposes of legitimate interests.

17. Public Appointments competitions are run on the basis that the appointing Department and the selection panel undertake to treat applications in confidence, thereby creating a reasonable expectation that their names or similarly personally-identifying information, will not be released publicly. To release personally-identifying information (including names) would therefore, in OCPA's view, be unfair and would therefore contravene the first data protection principle. An absolute exemption from disclosure applies.

18. In the case of withholding the names of junior officials within DCMS we have already set out the rationale to you for this in the reply to your earlier FOI request on 29 February.

19. You went on in paragraph 7 of your email to say:

*Furthermore, please can OCPA provide me, mutatis mutandis, to the FoIA request, with all the information to which I am entitled to under the Section 7(1) of the Data Protection Act 1998?*

*In responding to this request please can you provide all of:*

- (i) my personal data;*
- (ii) the purposes for which the data was being processed;*
- (iii) those to whom my data has been or may be disclosed;*
- (iv) the data communicated to me in an intelligible form (providing an explanation for information which cannot be understood without explanation); and*
- (v) any information as to the source of the data.*

20. The information you requested is set out below:

- (i) The only data which we hold on you is your name and home address;
- (ii) Your data was being processed in respect of your recent Freedom of Information/Data Protection Act requests;
- (iii) Staff in the Secretariat who were dealing with your requests;
- (iv) Please see (i) above

- (v) You (through your correspondence with us and your application for the competition).

21. You then went on to say:

*8. In connection with my requests:*

*(a) As my personal data may be recorded in documentation and electronic records that contain information that may not be my personal data I shall be grateful if the balance of the material can be provided to me (including pursuant to the Freedom of Information Act). My intention being that I have the complete recorded information that contains my personal data. This should make the provision of information easier for you].*

22. The data which you have requested has been made available to you in paragraph 20 above. You are requesting, under the FOIA, the balance of the material in the documentation and electronic records that contain your personal data to enable you to have the complete recorded information that contains your personal data. This request is formulated too generally and does not specify what recorded information you are seeking from us under the FOIA as required by section 1(a) of the Act. I would need a description of the information you want to request to enable us to see if we hold it.

*(b) It is not essential for a fee to be paid and I trust that in the circumstances of this matter no fee will be charged. However, if a fee is required then please advise me of the amount required and the bank account name; sort code and account number so that they can make a payment by direct bank transfer.*

23. OCPA has waived the right to charge any fee.

*(d) I understand that If I express a preference for receiving a copy of the information requested, or a digest/summary, or for being given the opportunity to inspect the records containing the information, you indicate that you are obliged to accommodate my preference unless it is not reasonably practicable for us to do so. I would like to visit OCPA for this purpose – when can this be accommodated? I would like to have a full copy of all the information requested.*

24. As I explained on the telephone, and as I and colleagues have also explained in other responses to you, OCPA does not have a public reception as it is not a public body that has face-to-face dealings with the general public; people transact with OCPA by email or by letter.

25. OCPA has therefore determined under section 11(3) of the Freedom of Information Act that it is not reasonably practical to comply with your preference to visit our offices for the purpose of inspecting records. We are happy, of course, to send you documentation relating to your requests in hardcopy or by email, whichever you prefer.

*(e) Please advise me  
as to the identity, status and contact details  
(including email) of the person(s) who will be processing my  
requests*

26. I have been dealing with the matters to which this letter relates. I head up the OCPA team in the Civil Service Commission Secretariat that advises the Commissioner for Public Appointments. Sandra Campbell and Sir David Normington GCB, the former Commissioner for Public Appointments dealt with your complaints, and, as advised to you previously, Ekpe Attah from the Civil Service Commission Secretariat undertook the internal review into your earlier FOI requests. Contact details for OCPA can be found on the website and you have our personal email addresses already.

27. I turn now to paragraphs 9 and 10 of your email.

9. I wish to complain at the continued failure to deal with my complaint under the DPA. The most recent being set out in the letter of 10.03.2016 from Clive Barbour.

Unfortunately, it is not clear what specific DPA breach you are asserting and so we are not in a position to respond on this point. If you provide further details about your concerns and the breach you believe has occurred, we will consider this further.

10. The personal data held by OCPA and processed by them (including by Ms Varley) has not been in compliance with the Data Protection Principles. Please see the email of 05.02.2016 (09:23). You look at the material and [sic] apply the principles.

28. In my letter of 10th March, I asked you to clarify your concerns in relation to OCPA's handling of your personal data. The Data Protection Principles are summarised as follows. Personal data should be:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure



- not transferred outside the European Economic Area without adequate protection

29. Your personal data that is held by OCPA was used in relation to the Information Commissioner competition, and to reply to the various requests that you submitted. I remain uncertain what precisely your concern is, and it would be very helpful if you could identify which of these principles has not been adhered to by OCPA, and what you allege the breach has been. This will enable us to take forward your complaint, if it has not been dealt with already.

30. If you are unhappy with the reply to your Freedom of Information request, you may write to Clare Salters to ask for an internal review. We will not normally accept a request for an Internal Review if it is received more than two months after the date that the reply was issued.

31. If you are not satisfied with the outcome of the Internal Review you may apply directly to the Information Commissioner for a decision. The Information Commission can be contacted at Wycliffe House, Water Lane, Wilmslow SK9 5AF.

32. We shall be replying to your subsequent email of 5 April shortly.

Yours sincerely

**CLIVE BARBOUR**



**The Commissioner for  
Public Appointments**

**Clive Barbour**  
**Office of the Commissioner for Public Appointments**  
Room G8, 1 Horse Guards Road  
London SW1A 2HQ

Telephone Tel: 0207 271 0835

E-mail [clive.barbour@csc.gov.uk](mailto:clive.barbour@csc.gov.uk)

Our reference 255

Dear [redacted]

3 May 2016

I am writing to reply to your recent Freedom of Information Request. This first part of my letter responds to the Freedom of Information request in your email of 5 April at 08:48.

2. In paragraph 3 of your e-mail you said:

*The recorded information sought is as follows:*

*(a) The decision by the Government that Peter Riddell was to be the Government's preferred candidate;*

The Office of the Commissioner for Public Appointments is independent of Government.

As the announcement of Peter Riddell's appointment is in the public domain at <https://www.gov.uk/government/news/commissioner-for-public-appointments-appointed-peter-riddell> provision of this information is exempt under section 21 (information accessible to applicant by other means) This is an absolute exemption and therefore not subject to a public interest test.

*(b) the pre-appointment scrutiny hearing for Peter Riddell being on 12.04.2016 and any subsequent information about Mr Riddell's appointment;*

The only recorded information held by OCPA is an email from the Clerk of the Public Administration and Constitutional Affairs Committee (PACAC) sent on 23 March which advises that the Pre-appointment hearing for Peter Riddell would be at 11:45.

<http://www.publications.parliament.uk/pa/cm201516/cmselect/cmpublicad/869/86902.htm> is the Report from PACAC on the Appointment of the Commissioner for Public Appointments including the pre-appointment hearings on 23 March and 12 April.

*(c) The identity of the OCPA assessor, any panel members and others who were involved in the competition culminating in Mr Riddell's selection as preferred candidate;*

The appointment of the Commissioner for Public Appointments is not subject to OCPA regulation and OCPA therefore played no part in the running of this Cabinet Office competition.

*(d) The underlying material (including internal memoranda relating to the changes made to the website pages listed at 2 to their current format from those that showed Sir David Normington as the Commissioner and did not show Sandra Campbell and Carrie Atkinson as handling complaints and the date(s) and time(s) of such changes.*

OCPA does not hold any recorded information about the website changes. OCPA updated its website in respect of Sir David on the morning of 4 April and also took that opportunity to add additional information in respect of those officers that undertake complaints investigations.

*(e) The attendance(s) if any by Sir David Normington at OCPA from the beginning of March 2016 to him ceasing to be the Commissioner.*

Sir David's attendance in the office during this period was 1, 2, 3, 8, 9, 10, 15, 16, 22, 23, 24, 29, 30, 31 March and 4 April. He continued in post as First Civil Service Commissioner until 31 March and as Commissioner for Public Appointments until 4 April, when his appointment lapsed: <https://privycouncil.independent.gov.uk/wp-content/uploads/2016/04/Order-approved-in-Council-19-April-16.pdf>

*(f) The dates and times of any emails sent and received by Sir David Normington on his email address david.normington@csc.gov.uk from 23.03.2016 to 05.04.2016*

The records of Sir David Normington's emails sent and received on his email account during the period you refer to is personal data. Section 40(2) of the FOI Act allows public authorities to withhold personal data if disclosure would contravene any of the data protection principles listed in the Data Protection Act 1998.

It is for OCPA to make a judgment in relation to whether the data protection principles would be contravened and the fairness of releasing data. Sir David Normington was a senior figure and could reasonably expect information relating to his role and decision making



to be made public where appropriate and OCPA has always approached such disclosure with an eye to transparency wherever possible. However, I do not consider that Sir David Normington would have reasonably expected that a log of the times of his emails and the type of biographical information that they contain would be disclosed.

Consequently, I have concluded that the disclosure of the email timing records that you request would be unfair and would therefore contravene the first data protection principle.

Even if it were fair to disclose this information, I would need to consider whether disclosure would meet any of the conditions in Schedule 2 of the DPA, including the sixth condition asking whether disclosure is necessary for the purposes of legitimate interests.

I have gone on to consider this point separately and I do not see that there is any wider legitimate interest in the public knowing what time Sir David Normington sent and received emails.

*(g) The de-commissioning of Sir David Normington's email account david.normington@csc.gov.uk following his term in office ceasing.*

OCPA holds no recorded information to provide about the decommissioning of this email account.

3. If you are unhappy with the reply to your Freedom of Information requests, you may write to ask for an internal review. We will not normally accept a request for an Internal Review if it is received more than two months after the date that the reply was issued.

4. If you are not satisfied with the outcome of the Internal Review you may apply directly to the Information Commissioner for a decision. The Information Commission can be contacted at Wycliffe House, Water Lane, Wilmslow SK9 5AF.

5. I am turning now, in the second part of this letter, to your separate email of 4 April 17:53 to Sandra Campbell and am responding to the points you raise therein.

1. *Sir David Normington ceased to be the Commissioner on 31.03.2016 and so on what basis could he actually send a letter today, 04.04.2016.*

Sir David Normington's term of office as First Civil Service Commissioner concluded on 31 March but his term of office as the Commissioner for Public Appointments was extended by the Cabinet Office until 4 April. His letter was not sent until 4 April although he had concluded his consideration of your complaint by 31 March. You will

see that the Order in Council that I referred to earlier, provides for the extension of his term of office.

2. *In any event as you full well know I have been waiting for you to telephone me and to provide me with information so that what my complaints are and the relevant information can be considered.*

You will recall that we spoke and I reported your conversation to Sandra Campbell. In order to enable her to take forward the matter, Sandra Campbell then asked you to summarise your complaint in writing but you did not do so.

In paragraph 29 of my letter to you of 14 April, I also said that I remained uncertain as to what precisely your concern was and said that it would be very helpful if you could identify which of the Data Protection Principles had not been adhered to and what you allege the breach was.

OCPA believes that it has considered and replied as fully as it can in respect of your complaints. But, let me say again that if there are any matters which you feel have not been addressed, then please can you provide us with precise details in writing setting out which DPA principle you think has been breached so that we can consider this again.

3. *Just what did (1) you and (2) Sir David actually do and when with regard to my complaint.*

Sandra Campbell investigated the complaint thoroughly and presented the evidence to Sir David who, as he said in his letter to you, reviewed the concerns you set out in your emails against the principles of public appointments set out in the Code of Practice and recorded his findings.

4. *What is the position with regard to the Commissioner when the incumbent has ceased to hold office and the new Commissioner has not taken up his position. [It is my understanding that a new Commissioner has had his pre-appointment scrutiny hearing but I am not aware that his appointment has been confirmed].*

There was a short gap between David Normington's departure on 4 April and Peter Riddell's appointment as the Commissioner on 19 April, during which the secretariat continued in its day-to-day administrative work to ensure a smooth transition.

Yours sincerely



Clive Barbour



**The Commissioner for  
Public Appointments**

**Clive Barbour  
Office of the Commissioner for Public  
Appointments**

Room G7, 1 Horse Guards Road  
London SW1A 2HQ

Telephone Tel: 0207 271 0835

E-mail [clive.barbour@csc.gov.uk](mailto:clive.barbour@csc.gov.uk)

9 May 2016

Our reference 270

Dear |

**FREEDOM OF INFORMATION REQUEST**

You will, by now, have received a reply to your letter of 31 March to Sir David Normington from Peter Riddell the newly appointed Commissioner for Public Appointments. Thank you for your patience while we briefed the new Commissioner.

2. As the Commissioner said in his letter to you, we have considered your request for a copy of Sir David's correspondence under the Freedom of Information Act 2000.

3. You asked in your letter:

*[I] would be grateful if you would send me the following:*

1) *Your letter to the Permanent Secretary to the DCMS suggesting improvements in how they appoint future independent members.*

2) *Your letter concerning DCMS's unhelpful answering of complaints in this issue.*

4. I am enclosing a copy of the letter from Sir David to Sue Owen of 28 August 2014 which deals with both these matters.

5. You went on to ask:

3) *I wonder since your letter of 28 August 2014 if you issued further guidance or clarification on independent panel members?*

6. Sir David was planning to consult on changes to his Code of Practice in respect of panel membership after the last General Election but a review of the Office of the Commissioner for Public Appointments was announced by the then Minister of the Cabinet Office and Sir David felt that he was unable to take any changes to his Code forward until after the Review reported to Government.
7. In the end the Review and the Government's response to it were not published until a few weeks before Sir David's term of office concluded with the result that he was not able to take forward his planned consultation on changing his Code of Practice any further.
8. Sir David did, however, highlight the issue of the role of the independent panel member and on page 29 of his Annual Report for 2014-15 he reported as follows:

*The composition of selection panels is an important contributor to public confidence that the selection process is fair and impartial. The Code of Practice requires that the panel must be able to assess candidates impartially against the selection criteria and include a member who is independent of the appointing Department and the body to which the appointment was made.*

*There is evidence from the past year that Departments do not give enough attention to establishing panels which will naturally command public confidence. One case which became public and was the subject of a report from the House of Commons Select Committee on Justice concerned the selection of HM Inspector of Prisons. In this instance the panel included a former Government Minister, the holder of a party office (who was designated as the independent member) and a senior civil servant from the Ministry making the appointment. This did not break the strict letter of the Code, nor was there any suggestion that the two politically active appointees behaved improperly in any way. However, as the Commissioner commented to the Select Committee<sup>1</sup>: "It does not aid public confidence in the public appointments process to have an independent member who is an active member of a political party or indeed to have two panel members, who are so politically associated with the Government."*

*The Commissioner had intended to include new provisions on panel composition in his next revise of the Code of Practice, but, as noted above, this has been delayed until after the Grimstone review reports. But this is not just about the provisions of the Code. Departments must apply a common sense interpretation of independence in choosing panel members and have greater regard to providing public reassurance about the integrity of selection panels.*

9. A copy of the Annual Report is available on the Commissioner's website: <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2015/10/Final-OCPA-Report-27-Oct.pdf>.

---

<sup>1</sup> Extract from a letter to the Chairman of the Justice Select Committee from Sir David Normington



10. If you are unhappy with the reply to your Freedom of Information requests, you may write to Clare Salters our Chief Executive to ask for an internal review. We will not normally accept a request for an Internal Review if it is received more than two months after the date that the reply was issued.

11. If you are not satisfied with the outcome of the Internal Review you may apply directly to the Information Commissioner for a decision. The Information Commission can be contacted at Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely



**CLIVE BARBOUR**



**The Commissioner for  
Public Appointments**

**Alex Morrow  
Office of the Commissioner for Public  
Appointments**

1 Horse Guards Road, London, SW1A 2HQ

Telephone 020 7271 0833

E-Mail [publicappointments@csc.gov.uk](mailto:publicappointments@csc.gov.uk)

Our ref 261

10 May 2016

I write in response to your email of 18<sup>th</sup> April, which we have treated as a request under the Freedom of Information Act 2000.

I have summarised your first question, which ran as follows:

According to the Register of Data Controllers on the ICO Website, the Civil Service Commission is a data controller.

Please can you explain why the Civil Service Commission claims that it has other names [Commissioner for Public Appointments/Office of the Commissioner for Public Appointments]. It does not seem to me that such are 'other names' of the Civil Service Commission.

It is well established that separate legal entities that are data controllers must each have a separate entry on the register. When an entity which is required to notify does not do so then it raises obvious concerns about compliance with other data protection obligations including adherence with the Data Protection Principles.

OCPA holds no recorded information on this matter.

Following the Government's recent decision to split the two roles and the appointment of Peter Riddell as the new Commissioner for Public Appointments, We have therefore contacted the ICO to lodge a new separate registration on the Data Protection Register in respect of the Commissioner for Public Appointments and to update the Civil Service Commission registration accordingly.

However, we think that the most likely reason why "the Commissioner for Public Appointments" and "the Office of the Commissioner for Public Appointments" appear under the "Other Names" section of the Civil Service Commission registration on the Information Commissioner's Office website was that Sir David Normington had been appointed by the Government to the dual role of First Civil Service Commissioner and Commissioner for Public appointments, and was supported by a single secretariat team.

You also ask:

What is the position/legal status of the Office of the Commissioner for Public Appointments when there is no Commissioner for Public Appointments?'

The Civil Service Commission provides secretariat support to the Office of the Commissioner for Public Appointments. During the short gap between David Normington's departure and Peter Ridell's appointment as the Commissioner, the secretariat continued in its day-to-day administrative work to ensure a smooth transition but none of the functions of the Commissioner for Public Appointments were exercised during this period.

If you are unhappy with this response to your request, you may write to the Chief Executive, Clare Salters, at the address below to ask for an internal review.

Clare Salters,  
G/08, 1 Horse Guards Road  
London  
SW1A 2HQ

If you remain dissatisfied, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's  
Office Wycliffe House  
Water  
Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

Alex Morrow



**The Commissioner for  
Public Appointments**

**Bill Brooke**

**Office of the Commissioner for Public  
Appointments**

1 Horse Guards Road, London, SW1A 2HQ

Telephone 020 7271 8938

all publicappointments@csc.gov.uk

13 May 2016

Freedom of Information Act 2000

You wrote to Alex Morrow on 15 April 2016. Your e-mail included the following passage:

*With regard to the letter of 14.04.2016 it is indicated at paragraph 7 that:*

*"With the exception of this panel report, OCPA holds no further material relating to this competition since the date of your last request."*

*I find such a contention incredible. Ms Varley's report cannot be the only thing that there is since 31.01.2016 to 24.03.2016.*

*Please can the matter be reviewed with all email accounts including those sent to and received from Ms Varley, the DCMS, the panel members and the recruitment consultants be checked as well as any other information that Ms Varley and the Secretariat must have had with regard to the Competition. What about the practicalities of the meetings etc. Where they arranged and attended without any recorded information being generated? Did the one version of the report just appear with nothing passing between anyone regarding its creation?*

This is being treated as a request for an internal review of your earlier information request.

I have been asked to conduct this internal review, as I had no involvement with your original request.

I have:

- Checked the Commissioner for Public Appointments e-mail box for the period in question and have discovered no additional information.
- Been in contact with Ms Varley and she has confirmed that she has no additional information.
- Checked with the staff of the Office of the Commissioner for Public Appointments, they have checked their individual e-mail accounts and other records and have confirmed that they have no additional information.

I am satisfied that the reply that Alex Morrow gave up was correct and that the Commissioner, his office and agents hold no further information relevant to your request.

If you are not content with the outcome of this internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK95AF

Best regards,

  
**Bill Brooke**





**The Commissioner for  
Public Appointments**

**Clive Barbour**  
**Office of the Commissioner for Public Appointments**  
Room G7, 1 Horse Guards Road  
London SW1A 2HQ

Telephone Tel: 0207 271 0835

E-mail [clive.barbour@csc.gov.uk](mailto:clive.barbour@csc.gov.uk)



24 May 2016

Our reference 281

*Dear*

**REQUEST FOR CORRESPONDENCE**

Thank you for your recent letter in which you requested a copy of the reply to Sir David Normington's letter to Sue Owen of 28 August 2014 and any subsequent correspondence on this matter.

2. I have considered this to be a request for information under the Freedom of Information Act 2000.
3. I have looked into the OCPA file archive and we have no record of any reply being received from Sue Owen to Sir David on this matter, nor do we have any record of subsequent correspondence between them on this issue.
4. I am sorry that we are therefore unable to provide you with the information you requested.
5. If you are not happy with the reply to your Freedom of Information request you may write to Clare Salters to seek an internal review. We will not normally accept a request for an internal review if it is received more than two months after the date you receive this letter.

Yours sincerely

**CLIVE BARBOUR**



**The Commissioner for  
Public Appointments**

**Clive Barbour  
Office of the Commissioner for Public  
Appointments**

Room G7, 1 Horse Guards Road  
London SW1A 2HQ

Telephone Tel: 0207 271 0835

E-mail [clive.barbour@csc.gov.uk](mailto:clive.barbour@csc.gov.uk)

27 June 2016

Our ref 294

Dear [redacted]

Thank you for your Freedom of Information request concerning Microsoft Office forms.

You specifically asked:

1. *Are there set categories of public appointments which require completion of the Monitoring Form and GIS Form?*
2. *If so, what are they?*

The Commissioner for Public Appointments requires Departments that make public appointments to maintain diversity statistics in order to inform his statistical bulletin and Annual Report. Many Departments use the Monitoring Form for this although it is not a requirement of the Commissioner to do so.

The Commissioner has said on his website that he believes that using the Guaranteed Interview Scheme (or Two Ticks) sends a positive signal to encourage disabled people to apply for public appointments and that using the scheme should be proactively considered by Departments that make Public Appointments. But the decision to use the scheme, or not, rests with Departments.

3. *When was it decided at such forms would only be available to users of Microsoft Office?*

OCPA holds no recorded information about this. This appears to be a matter for the Government Departments that make Public Appointments that are subject to regulation by the Commissioner.

4. *Who made the decision? If an individual, please give his or her job title. If not, please give the name of the Committee or other body responsible.*
5. *When was the Commissioner for Public Appointments consulted?*
6. *When did he respond?*

OCPA holds no recorded information in respect of questions 4 – 6.

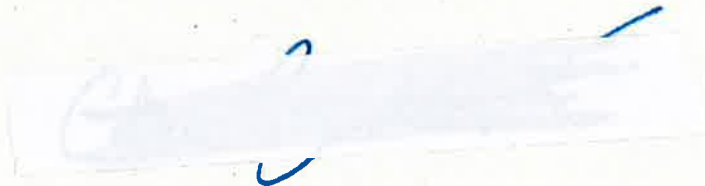
If you are unhappy with this response to your request, you may write to the Chief Executive to the Office of the Commissioner for Public Appointments, Clare Salters, at the address above to ask for an internal review.

If you are not then content with her reply, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's  
Office Wycliffe House  
Water  
Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

Yours sincerely



**CLIVE BARBOUR**