

30 June 2008

Disclosure of MPs' home addresses

In view of the House of Commons debate scheduled for 3 July 2008 on a Motion on MPs' pay and allowances, the Information Commissioner considers that it would be helpful to set out his position in relation to the disclosure of MPs' home addresses.

The Information Commissioner's Office (ICO) has consistently taken a cautious approach towards the disclosure of home addresses, whether in the context of the Freedom of Information Act or otherwise. In most cases, an address is an individual's personal data and is protected by the Data Protection Act. None of the Freedom of Information decisions about MPs' expenses made by the Commissioner has required disclosure of home addresses.

The Information Commissioner has taken the view that if any disclosure of personal address information arising from a Freedom of Information request is required at all, it should normally be limited to the first three digits of the postcode. If an individual has expressed anxieties about personal security, it is accepted that no information relating to the personal address would be provided at all. Only in the most exceptional circumstances would the ICO decide that disclosure of a full personal address to be appropriate.

The Information Commissioner is aware of very strong concerns that have been voiced by many Members of Parliament about prospective disclosure of their home addresses - both in London and in their constituencies.

These include, but are not limited to:

- inhibitions on freedom of speech for fear of reprisal;
- threats of violence or other attack from:
 - activists and others opposed to an MP's position;
 - aggrieved constituents or other members of the public, some with mental health problems;
 - criminals or miscreants identified by an MP;
 - terrorists;
- fears about the safety of spouses, partners, children and other family or household members, and about disturbance and risk to neighbours;
- particular fears on the part of female MPs of harassment or attack;
- fears of burglary at temporarily vacant addresses;
- vulnerability of blocks of flats and other locations containing a concentration of MPs;
- posting offensive or dangerous material to unprotected home mailboxes; and
- the irreversibility of publication – i.e. making it easier to obtain MPs' addresses, both individually and in the aggregate, may create future vulnerabilities even where no current security risk exists.

Furthermore, the Commissioner is aware that several incidents over the years have demonstrated how many of these concerns have manifested themselves in practice.

The Information Commissioner has taken full account of Information Tribunal's decision promulgated on 26 February 2008, and the subsequent dismissal of the appeal against that decision by the High Court on 16 May 2008. That case applies directly only to the 14 Members named in the original FoI request. Moreover, both the Tribunal and the High Court accepted that an MP's address could be withheld where there is a specific security reason for keeping the address of his or her main or second home confidential.

Neither that case, nor the Freedom of Information Act, creates any obligation on the House Authorities to disclose the addresses of other Members. Indeed, as a data controller, the House of Commons would risk non-compliance with the Data Protection Act were it do so - in particular if there had been no prior consultation with MPs to enable them to express their views and any concerns about such a disclosure.

The Information Commissioner understands that it is the intention of the House Authorities to disclose information about historic expense claims for all MPs at the level of detail specified by the Information Tribunal. However, within this context, he strongly urges caution in relation to disclosure of MPs' home addresses. He suggests that it would be prudent for the House Authorities first to give each MP the opportunity to indicate whether they have a current or prospective security-related concern about disclosure of any address relating to them which is held by the House of Commons. The Commissioner considers that the House Authorities would then be entitled to withhold each address where such a concern is registered.

Given the status of Members of Parliament, their responsibilities and the risks they consequently face, the Commissioner does not consider it would be necessary for the House Authorities to enquire into, or consider, the nature and extent of such a concern. In such cases, which may very well not be exceptional in practice, the Commissioner suggests that the House Authorities should redact each such address before disclosure of any document in which it appears.

Richard Thomas
Information Commissioner

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