

MPs and Confidentiality

Information for home educating families contacting their Member of Parliament

It is common for home educating parents who believe they may not be known to their Local Authorities to express concern about contacting their MP on matters related to home education, because of the issue of confidentiality.

So the question arises, are there any written statements which address such concerns?

It was not possible to find one definitive statement, but when considered as a whole, the information cited below offers reassurance about confidentiality.

It should be noted that previous rulings form the basis for present practice, so precedent is important as always, as are current advisory/guidance documents.

Anyone unfamiliar with the inner workings and requirements of Parliament might like to begin with this page, which provides a clear description of the role of MPs and what they can (and cannot) do to help their constituents:

You and your Member of Parliament (MP) |

information about MPs, how they may help you, and how to contact them | UK Political Info

<https://www.ukpolitical.info/YouandyourMP.htm>

Note the very useful (though not authoritative) comment under "Raising matters in the House":
"All of the methods discussed so far allow problems to be kept confidential."

The latest version of the **MPs' Code of Conduct (2019)** has generic statements in Sections III and V:

7. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity...

15. Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties...

House of Commons Code of Conduct and Guide to Rules - UK Parliament

<https://www.parliament.uk/business/publications/commons/hoc-code-of-conduct>

The Code of Conduct together with the **Guide to the Rules relating to the Conduct of Members** - House of Commons

https://publications.parliament.uk/pa/cm201719/cmcode/1882/188202.htm#_idTextAnchor005

A House of Commons debate on Constituency Correspondence (Confidentiality) took place in 2008.

<https://www.theyworkforyou.com/debates/?id=2008-11-05b.325.0>

The opening speaker's words are interesting, but for our purposes the most significant sections are in Chris Bryant's response, where he cites a ruling he received from the Speaker in 2002.

"I should state that I had my own such issue when I was first elected in 2001. The local authority, Rhondda Cynon Taf, was run by Plaid Cymru, and purely for party political advantage the council leader explicitly said that all my correspondence would be circulated to all councillors of the different political party from my own who had any potential interest in it. The chief executive was instructed by the council leader to behave in what I believe was an entirely partisan fashion. Consequently, I asked for a ruling from the Speaker. It was in fact you, Mr. Deputy Speaker, who delivered it, saying:

'Mr. Speaker has asked me to say that constituents who approach their Member of Parliament are entitled to expect that the issues raised will be dealt with in a confidential manner. Where the Member considers it appropriate to refer the issue to a local government officer, it is Mr. Speaker's view that the correspondence should remain confidential between the constituent, the Member and the local government officer to whom the case has been referred, unless specific permission to make it available to other parties has been granted by the constituent.'

The original ruling Bryant referred to is recorded in Hansard, 23 July 2002; [Vol. 389, c. 885]

House of Commons Hansard Debates for 23 Jul 2002 (pt 15):

https://publications.parliament.uk/pa/cm200102/cmhansrd/vo020723/debtext/20723-15.htm#20723-15_spnew12

Later in the 2008 debate, Bryant continued:

"I never want to be too confident of anything, but the Information Commissioner has made sure that all public bodies have been informed, and I hope that this debate will result in further understanding of the position. The Ministry of Justice has recently written to Departments to ensure that they fully understand it too, because there has been an instance where a Department has, inadvertently, provided information.

The guidance continues:

'MPs and their constituents do not have the same confidential relationship as a doctor and patient or lawyer and client. However, MPs often assure constituents that their dealings with them are confidential and there is usually in any event a legitimate expectation by the constituent that information disclosed in their dealings with their MP will be treated as confidential. This means that letters sent on behalf of a constituent may be subject to a duty of confidence.'

The guidance Bryant refers to was published by the Information Commissioner's Office in 2007, under the title "**Guidance on Dealing with Requests for MPs' Correspondence relating to Constituents**"

https://ico.org.uk/media/for-organisations/documents/1645/guidance_on_dealing_with_requests_for_mps_6_august.pdf

§11 to 14 are headed Confidential Information, and it is §13 which is cited above.

It is referred to here, under the heading MPs correspondence.

Freedom of information and Environmental Information Regulations | ICO

<https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations>

Another ICO publication called "**Constituency casework of Members of Parliament and the processing of sensitive personal data**" was updated more recently in line with the Data Protection Act and UK GDPR regulations.

<https://ico.org.uk/media/for-organisations/documents/1432063/constituency-casework-of-mps-and-the-processing-of-sensitive-personal-data.pdf>

The above document is listed on the following page in the section headed "MPs and elected officials":

Data Protection Act 1998 | ICO guidance for organisations

<https://ico.org.uk/for-organisations/guidance-index/data-protection-act-1998>

For our purposes, §19 has particular relevance

“In exceptional circumstances an organisation responding to a Member may need to contact the constituent to inform them of a planned disclosure. For example, where an organisation intends to disclose particularly sensitive information which could cause distress to the individual. In such circumstances the obligation to process fairly and lawfully – which includes respecting a duty of confidentiality - could mean that the individual should be alerted to the intended disclosure and consent obtained.”

And finally, a **House of Commons Advice for Members and Staff** publication (updated 2014) deals with the topic of Personal Information about Constituents and others in the light of the 1998 Data Protection Act. § 2.1.3 reads:

<https://www.parliament.uk/globalassets/documents/foi/advice-for-members-offices-2014-update.pdf>

“In most cases if a constituent asks a Member to help with a problem they expect the Member to store the information they send and sometimes to copy it to another person or organisation who might be able to help. If so, you do not need to write to the person especially to give them this information. But constituents will not always know this. Use your discretion, and if you think a constituent may be surprised about what you plan to do with information about them, then explain your plans to them.”

In view of all the above and to be doubly sure, it is suggested that any home educating parent with concerns about confidentiality should begin their letter to their MP with words to this effect: **“I am writing to you in confidence...”** and emphasise this again verbally in any face-to-face meeting or conversation.

Further copies of this document are available from:
MPs and Confidentiality - The HE Byte
<https://he-byte.uk/library/mps-and-confidentiality>