

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 17 May 2024

Public Authority: Department for Work and Pensions
Address: Caxton House
Tothill Street
London
SW1H 9NA

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-282814-Z7M5, for a decision whether a request for information made by the complainant to the Department for Work and Pensions (DWP) on 10 August 2023 has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to DWP on 25 March 2023 setting a 20 working day deadline to provide a copy of the withheld information and its justification for applying the exemption.
3. DWP contacted the Commissioner and requested a meeting and on site viewing of a representative sample of the requested information. It also requested an extension to accommodate this meeting and provide time after to draft its submissions in light of the discussions. The Commissioner agreed to extend the deadline to 10 May 2024.
4. Following the meeting and viewing, DWP requested a further extension of 20 working days to undertake further reviews of the information and provide its submissions.
5. The Commissioner confirmed to DWP that, in light of the work required and DWP's engagement with his officer to date, he was content to extend the period for a response. However, he has decided to issue this Information Notice to act as a "backstop" and provide him with reassurance that DWP's response will not be further delayed.

Information required

6. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that DWP shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A representative sample of the withheld information, in particular, of the requested EQIAs marked up with redactions
 - A full response to the Commissioner's questions as set out in his letter of 25 March 2024 regarding DWP's basis for relying on section 31(1)(a)
 - A copy of any response issued by DWP to the complainant following the on site viewing and discussions

Failure to comply

7. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

8. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

9. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by

Victoria Parkinson
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF