

From: [REDACTED] FREEDOM OF INFORMATION TEAM
<[REDACTED]@DWP.GOV.UK>
Sent: Friday, July 7, 2023 5:38 PM
To: Victoria Parkinson <Victoria.Parkinson@ico.org.uk>
Subject: RE: Service of Practice Recommendation

External: This email originated outside the ICO.
Vikki

Thanks for your reply.

We'll keep you updated with how things are going.

If there are any issues you start to see coming through, then please let me know and we'll look to address.

Might even be an idea if we had a regular meeting to cover off things like this, let me know your thoughts on that.

Regards,

[REDACTED]

Calls:  [REDACTED]
Email: [REDACTED]@dwp.gov.uk | **Website:** www.gov.uk/dwp

From: Victoria Parkinson <Victoria.Parkinson@ico.org.uk>
Sent: 07 July 2023 12:40
To: [REDACTED] FREEDOM OF INFORMATION TEAM [REDACTED]@DWP.GOV.UK>
Cc: [REDACTED]@dwp.gov.uk>; [REDACTED]
[REDACTED]@dwp.gov.uk>
Subject: RE: Service of Practice Recommendation

Dear [REDACTED]

Many thanks for sending DWP's detailed response to the Commissioner's Practice Recommendation.

[REDACTED]

Please do not hesitate to contact me if you would like to discuss these next steps or if you require any further information.

Kind regards



Ms Victoria Parkinson (she/her)
Senior Case Officer
Freedom of Information Complaints
Department

Information Commissioner's Office, Wycliffe
House, Water Lane, Wilmslow, Cheshire SK9 5AF
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so. Please do not feel obliged to respond outside of your
own typical working hours

From: [REDACTED] FREEDOM OF INFORMATION TEAM
<[REDACTED]@DWP.GOV.UK>

Sent: Thursday, June 22, 2023 9:28 AM

To: Victoria Parkinson <Victoria.Parkinson@ico.org.uk>

Cc: [REDACTED] <[\[REDACTED\]@dwp.gov.uk](mailto:[REDACTED]@dwp.gov.uk)>; [REDACTED]

[REDACTED] <[\[REDACTED\]@dwp.gov.uk](mailto:[REDACTED]@dwp.gov.uk)>

Subject: RE: Service of Practice Recommendation

External: This email originated outside the ICO.


Dear Vikki

Please find attached our response to the ICO Practice Recommendation.

If it would be helpful to meet and talk through the action we have taken, and our processes more generally, I would be happy to set this up with the relevant teams in the ICO. Just let me know and I'll arrange some suitable dates/times.


Regards,

[REDACTED]
[REDACTED] | Department for
Work and Pensions | [REDACTED] | Caxton House | 6-12 Tothill Street | London | SW1H
9NA |

Calls:  [REDACTED]
Email: [REDACTED]@dwp.gov.uk | **Website:** www.gov.uk/dwp




Department
for Work &
Pensions


Freedom of Information Team
Caxton House
6-12 Tothill Street
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SW1H 9NA

Victoria Parkinson
Senior Case Officer
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SK9 5AF

[freedom-of-information-
request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

[DWP Website](#)

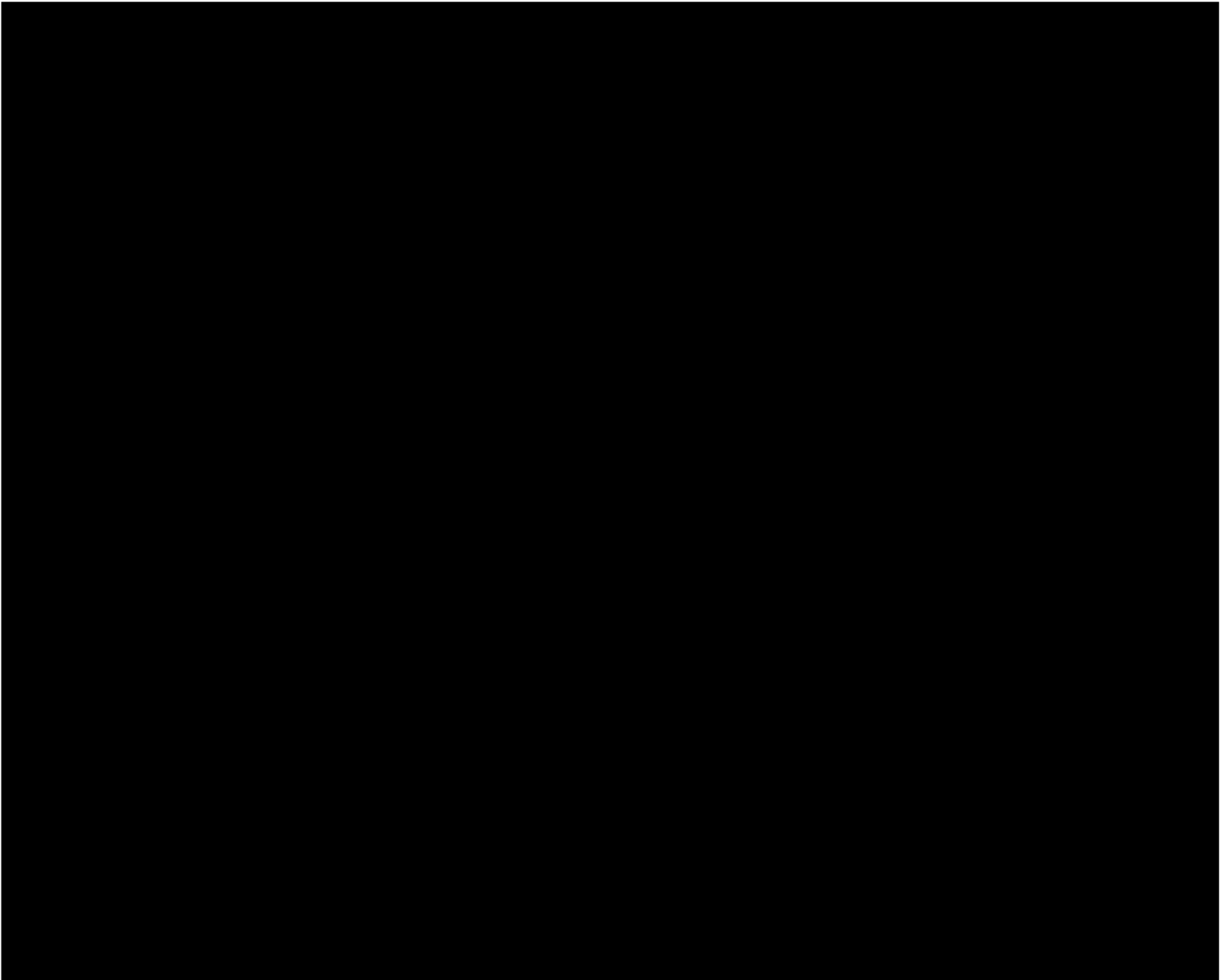
Our Ref: 

victoria.parkinson@ico.org.uk

22 June 2023

Dear Vikki,

I am writing in response to the Practice Recommendation the Information Commissioner's Office (ICO) issued to the Department on 23 March 2023 and then published on the ICO website on 27 March 2023.





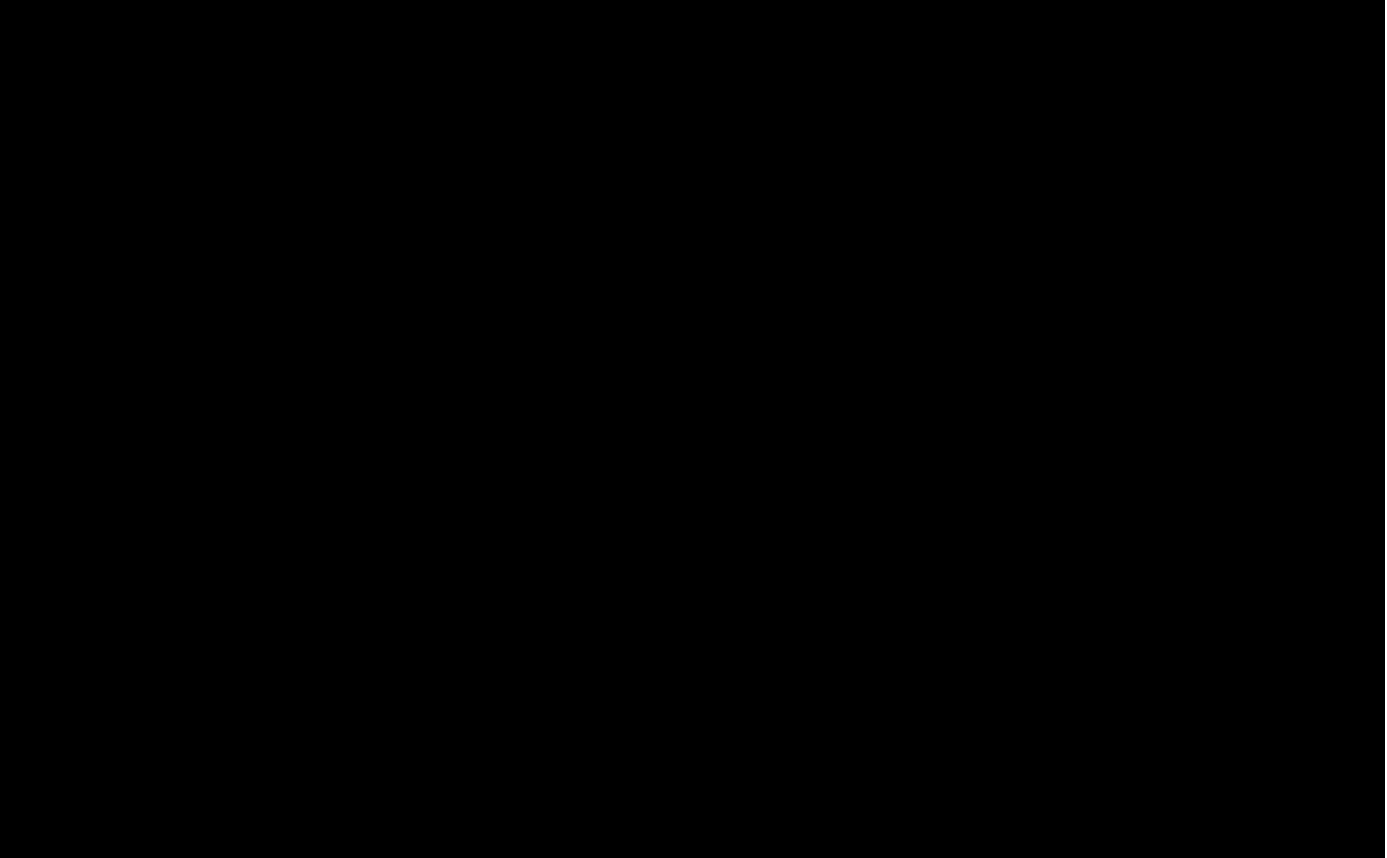
Part 1.1 – Interpreting Requests / Locating Information

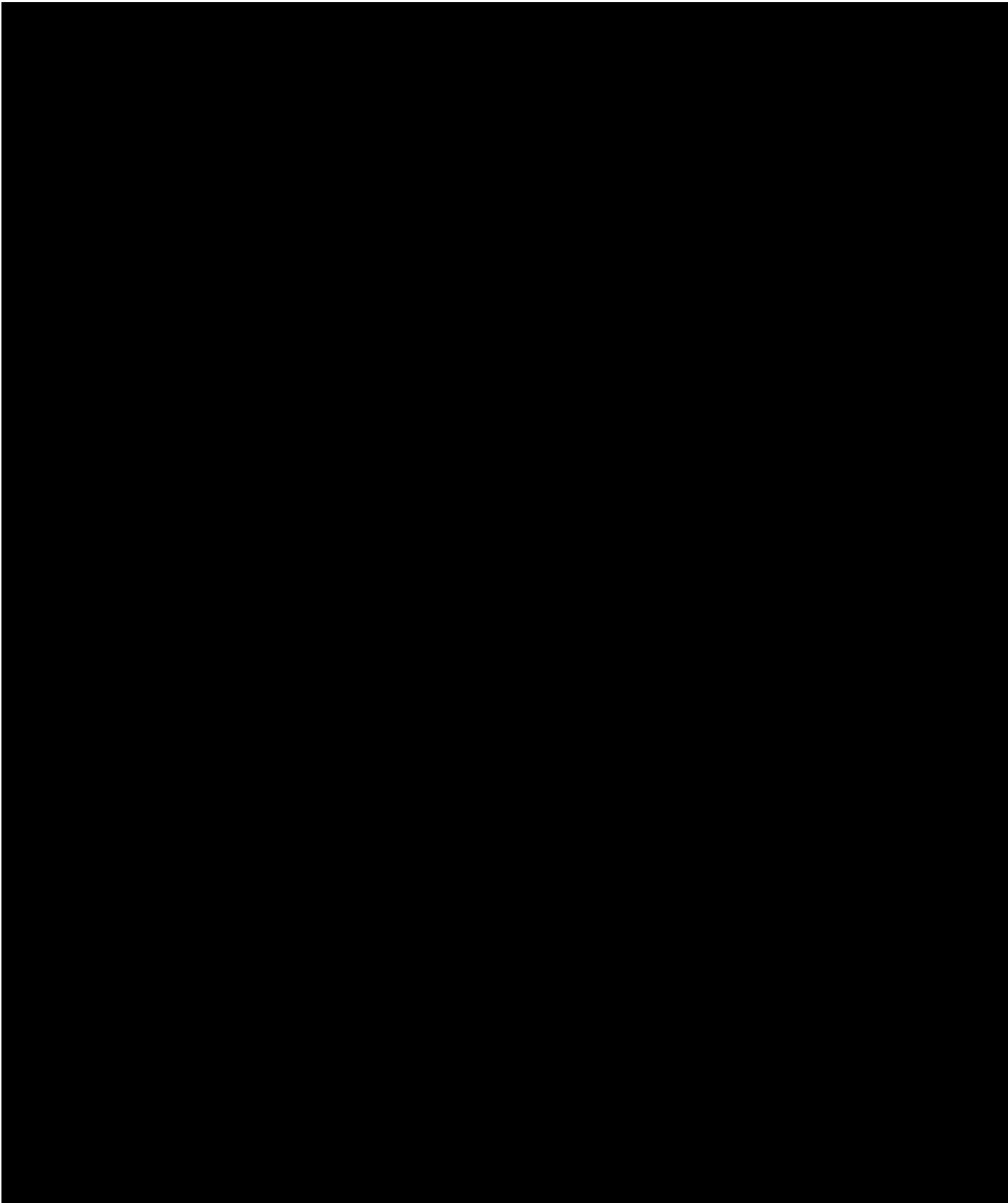
Issue

The Commissioner has noted a pattern of requests brought to him in which DWP has failed to correctly interpret the request, locate all of the information falling within the scope of the request or has failed to confirm what information, if any, is held.

Recommendation(s)

The ICO suggested the following recommendations:

1. DWP should ensure that staff are sufficiently trained and aware of its procedures and practices in order to provide responses that fully comply with FOIA and the section 45 Code of Practice. DWP should ensure that responses pay careful attention to the wording of requests for information and be sure to discharge its obligation to confirm whether the requested information is or is not held, assuming a “neither confirm nor deny” response is not being issued.
 2. DWP should request a consensual audit of the DWP’s FOIA policies and practices and procedures from the ICO.
 3. DWP should undertake a self-assessment via his online Toolkit, in particular Topic 1, modules 2 & 3 request handling and training. DWP should then implement any changes required following the outcome of the self-assessment.
- 



Part 5.8 – Internal Reviews

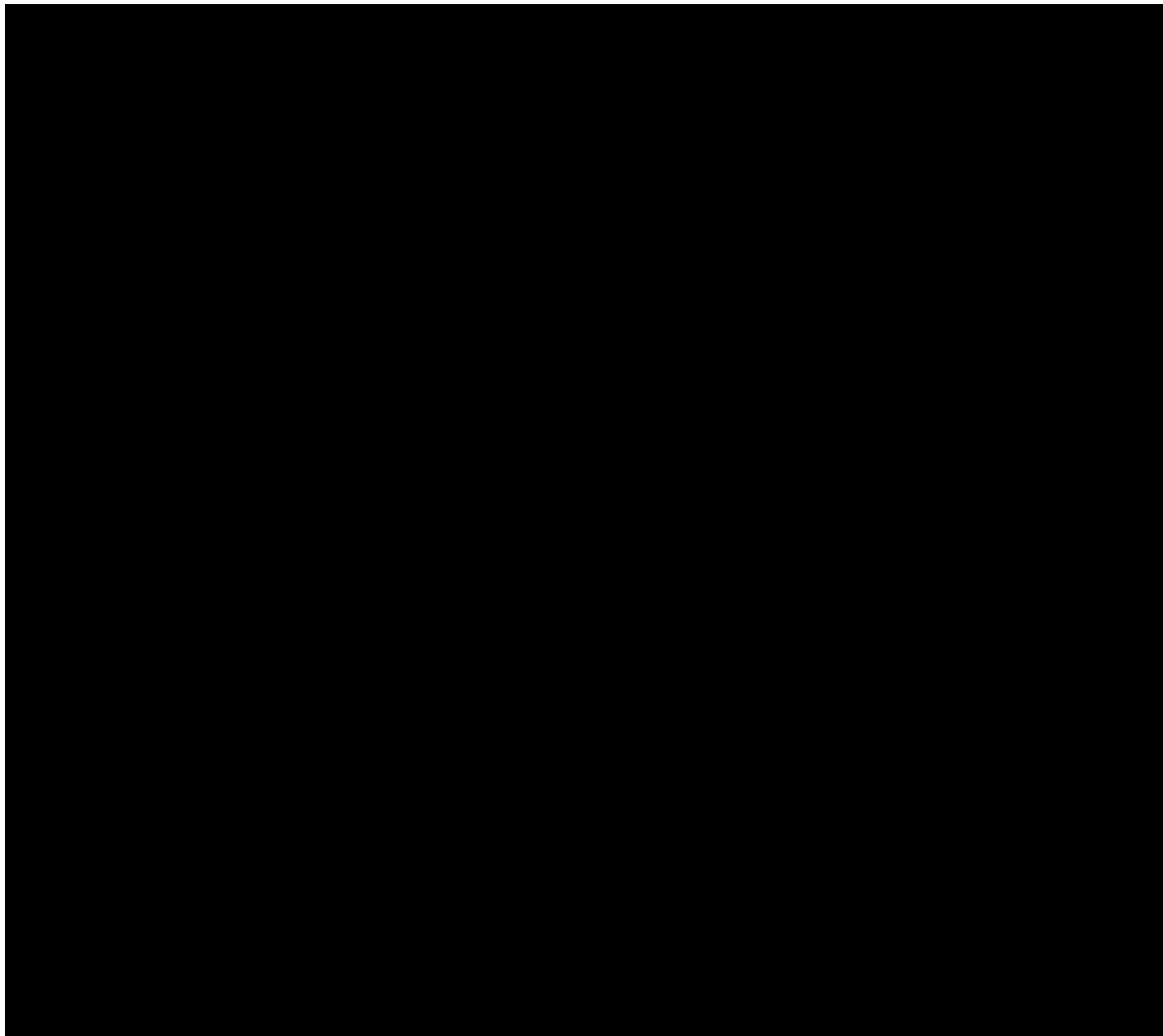
Issue

The Commissioner has noted a trend in DWP’s internal reviews to simply repeat the arguments set out in the refusal notice. This appears to be particularly prevalent in cases where DWP has relied on section 35(1)(a) or any of the limbs of section 36. The Commissioner also notes that where procedural errors occur, these are not always rectified at internal review, suggesting a lack of a thorough reconsideration of the request.

Recommendation(s)

The ICO suggested the following recommendations:

1. DWP should ensure that internal reviews are carried out in a “fair and thorough” manner. In order to ensure that this happens consistently, DWP should refresh its procedures for carrying out internal reviews and ensure that these are effective and robust.



Part 10.2 – Level of Detail in Responses

Issue

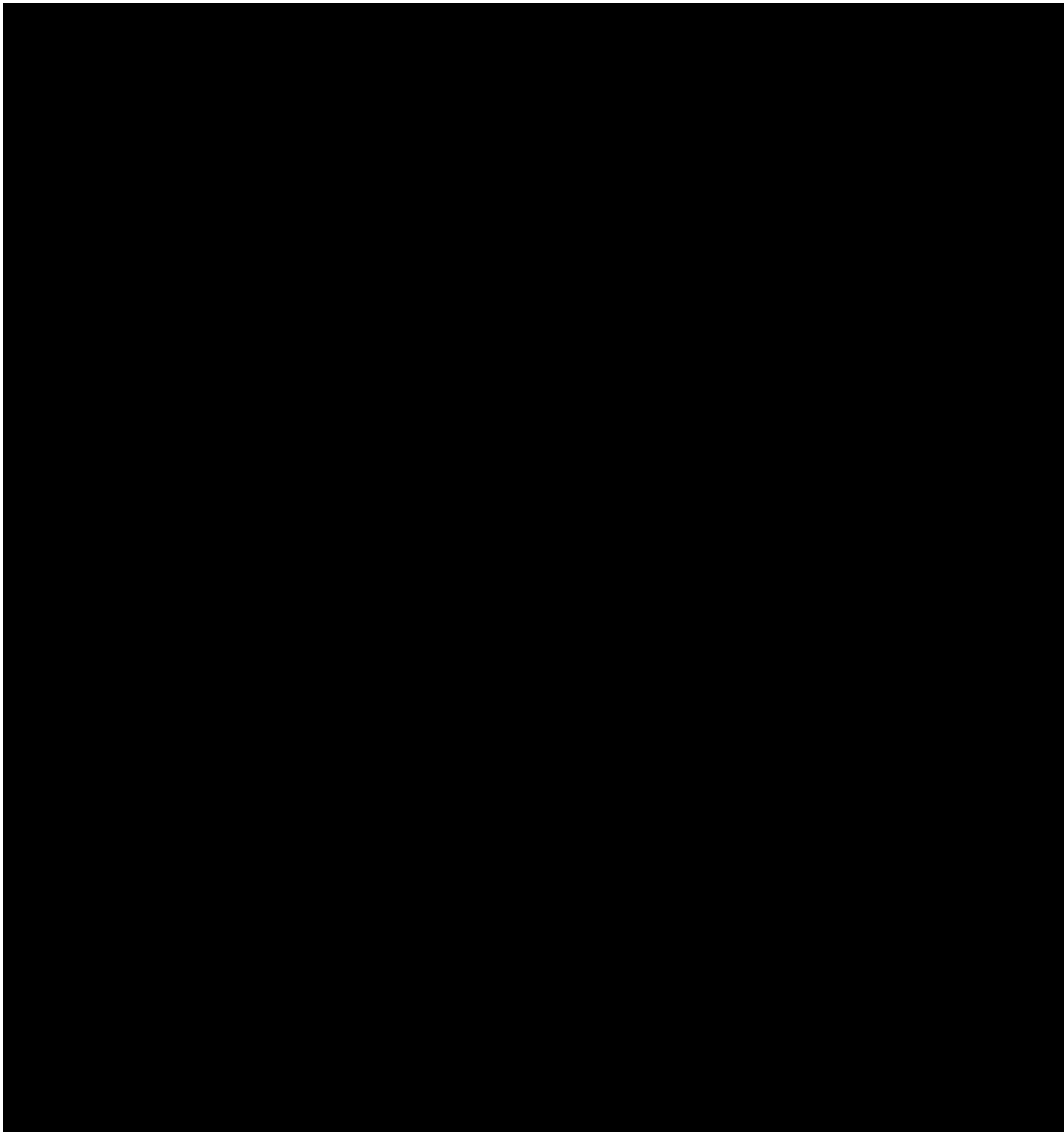
The Commissioner has noted the persistent use of standard templates in DWP’s refusal notices, particularly where DWP is relying on section 12, section 35(1)(a) or any of the limbs of section 36. DWP routinely fails to specify the nature of the prejudice envisaged under section 36(2)(c). The Commissioner considers that the use of standard wording does not provide the requester with details setting out why the particular request cannot be complied with or why the information requested cannot be disclosed. The Commissioner expects refusal notices to include specific explanations for why an exemption is engaged and public interest considerations based on the specific circumstances of the request. DWP also

routinely fails to specify the subsection engaged, particularly when citing sections 12, 31 and 43.

Recommendation(s)

The ICO suggested the following recommendations:

1. DWP should ensure that it responds fully to each request and that it provides the details and information required by sections 1 and 17 of FOIA.
2. DWP should ensure that it does not solely rely on standard template responses and provides details on why the specific information requested is not held or cannot be disclosed including the specific circumstances surrounding the request.
3. Where issuing a section 12(1) or (2) response, DWP should ensure that it provides the requester with details of why the request would exceed the appropriate limit.





Publication of Research Reports

ICO's concern

There has been an increase in the amount of information being withheld by DWP where previously this information may have been disclosed or proactively published. The Commissioner notes that DWP has refused to disclose several research papers with one refusal to disclose resulting in the Work & Pensions Select Committee using its Parliamentary powers to obtain and then publish a report.



Public Interest in Disclosure

ICO's concern

The ICO noted the nature and importance of DWP's responsibilities means that there is inherently a high public interest in disclosure of information held, especially the vulnerable nature of the members of the public financially dependent upon it and the large amount of public money which funds the Department and the benefits paid out.



DWP Staff Training

ICO's concern

DWP confirmed that there is no mandatory training that staff are required to undertake although training, guidance and advice is of course available to them.



Yours sincerely,



Department for Work and Pensions

From: Vikki Parkinson <Victoria.Parkinson@ico.org.uk>
Sent: 23 March 2023 13:31
To: [REDACTED] FREEDOM OF INFORMATION TEAM [REDACTED] [@DWP.GOV.UK](mailto:[REDACTED]@DWP.GOV.UK)>
Cc: [REDACTED] FREEDOM OF INFORMATION TEAM
<[\[REDACTED\]@DWP.GOV.UK](mailto:[REDACTED]@DWP.GOV.UK)>
Subject: Service of Practice Recommendation

Dear [REDACTED]

Please find attached a practice recommendation regarding DWP's compliance with the Section 45 Code of Practice.

It is important to note that the Commissioner does not issue practice recommendations as a punitive measure. They are issued as a learning tool to aid and support public authorities in complying with the Code of Practice and therefore FOIA. This practice recommendation is primarily focussed on the long term quality of DWP's initial responses and provides DWP with time to address these before responding to the Commissioner.

The Commissioner publishes all practice recommendations and will publish this on the ICO website: <https://ico.org.uk/action-weve-taken/information-notice/#practice-recommendations>

Kind regards



Ms Victoria Parkinson (she/her)
Senior Case Officer
Freedom of Information Complaints
Department

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