

13 December 2024

IC-349045-N9H7

Request

1. "DWP's Response to Richard Neal:

As you have recommended, please provide the specific information relating to the Department for Work and Pensions' (DWP) response to Richard Neal in relation to Universal Credit Reviews (UCRs). Please confirm the date and method in which the data was captured and the relevant DWP dept.

2. Complaints About the DWP:

I would like to narrow my original request regarding complaints about the DWP. Specifically, I request information about any complaints received by the ICO in the last six months where the DWP was the respondent, and a member of the public was the complainant. Please provide details of two such complaints, irrespective of their specific subject matter, ensuring any sensitive or personal data is appropriately redacted."

We received your request on 31 October 2024.

We have handled the first part of your request under the Freedom of Information Act 2000 (the FOIA).

We do not consider the second part of your request to be a valid request for the purposes of the FOIA. We have provided more information about this in our response below.

Our response

We hold information in scope of the first part of your request.

The information you have referenced is a response provided to us by the DWP in relation to an individual's data protection complaint.

This information has been withheld under the provisions of section 44 of the FOIA which places prohibitions on disclosure. This exemption is an absolute exemption, which does not require a consideration of the public interest test of the type

required by the qualified exemptions.

Section 44(1)(a) of the FOIA states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it -

(a) is prohibited by or under any enactment'

The enactment in question is the Data Protection Act 2018 and specifically section 132(1) of part 5 of that Act. This states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,

(b) relates to an identified or identifiable individual or business, and

(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,

unless the disclosure is made with lawful authority."

Section 132(2) lists the circumstances in which a disclosure can be made with lawful authority, however we find that none of them apply here. As a result the information is exempt under the FOIA and withheld from our response.

We do not consider the second part of your correspondence to be a valid request for the purposes of the FOIA.

Section 8(1) of the FOIA says that a valid request:

(a) is in writing,

(b) states the name of the applicant and an address for correspondence, and

(c) describes the information requested.

In this case we do not consider that you have described the information requested. We cannot undertake random selections of cases in response to a request under the FOIA.

Our [casework datasets](#) can be found online. You can select cases yourself from the datasets and submit a further request for the information held on them. However, please be advised that we consider data protection complaint cases to be the personal data of the complainant and it is therefore likely that this information would be withheld.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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