

Freedom of Information Act 2000 (the Act)

Decision notice

Date: 31 March 2022

Public Authority: Department for Work and Pensions

Address: Caxton House
Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant submitted a request to the Department for Work and Pensions (DWP) seeking a specific piece of internal analysis. DWP initially responded to the request but at internal review introduced section 14(1) (vexatious) and section 14(2) (repeated request) of the Act.
2. The Commissioner has concluded that the request is neither vexatious nor repeated and therefore DWP is not entitled to rely on section 14(1) or section 14(2) in response to the request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
 - Issue a fresh response to the complainant's request dated 14 January 2021 which does not rely on section 14(1) or 14(2).
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. Prior to the request which is the subject of this notice, the complainant made four requests on a similar subject matter. These are set out at annex A of this notice.

6. On 14 January 2021, the complainant wrote to DWP and requested information in the following terms:

"Ministers have repeatedly stated that, when Universal Credit is fully implemented, there will be around 1 million disabled households that will receive a higher entitlement than they would have received in the legacy system.

Here is a reference to at least one occasion on which this statement was made to MPs:

<https://hansard.parliament.uk/Commons/2019-10-07/debates/69920F33-38B6-4F13-ABA4-A1D016A6A2FE/UniversalCreditDisabledClaimants#contribution-A41CEA19-5F9D-4B00-A5BF-7D50D5C2BD5A>

DWP has now told the Office for Statistics Regulation that these figures came from "internal analysis carried out to look at the impacts of a proposed policy change".

Please send me this internal analysis".

7. On 10 February 2021, DWP provided its response. It provided an explanation that the internal analysis was based on its INFORM volume forecast model and Policy Simulation Model. DWP stated that this underlying methodology was signed off by the Office for Budget Responsibility and was set out in the Welfare Trends Report 2018 to which it provided a link¹.

8. DWP provided a further explanation about how it was able to estimate the number of disabled households which would have a higher entitlement. DWP did not provide the internal analysis itself or confirm whether it held the internal analysis requested.

¹ <https://www.gov.uk/government/publications/welfare-trends-report-january-2018>

9. The complainant requested an internal review on 11 February 2021 and confirmed that DWP had not provided the specific information requested. They stated that the 2018 Welfare Trends Report did not include the requested analysis and DWP's explanations simply repeated the figure rather than provide the analysis that led to the figure. They confirmed that they were seeking the document which includes the internal analysis which concludes that approximately one million households on Employment and Support Allowance (ESA) would have an average entitlement of £120² a month more on Universal Credit.
10. On 2 March 2021, DWP provided the outcome of its internal review. It confirmed that it was satisfied that the original response was correct. DWP stated that it had previously corresponded at length via FOI requests and internal review requests about how DWP was able to estimate the number of disabled claimants that would have a higher entitlement and there is no additional recorded information to respond to the request.
11. DWP introduced section 14(1) and 14(2) and explained that it was now relying on these provisions as it considered the complainant's "continued attempts to reopen an issue which has already been comprehensively addressed by the Department places a significant burden on the Department".
12. DWP considered that the effort required to comply with the request was grossly oppressive in terms of the time and resources required. DWP stated that it cannot reasonably be expected to continue to comply with the complainant's requests, regardless of the legitimacy of their intentions.
13. DWP stated that it had nothing further to add as it does not hold any additional recorded information to respond to the request and it would not therefore respond further. DWP confirmed that any requests made to DWP on related subjects would be handled normally but it would not respond substantively to further correspondence from the complainant on the subject of households on Universal Credit receiving a higher or lower entitlement to those on legacy benefits.

² The Commissioner notes that the figure quoted is £100 elsewhere in the request correspondence.

Scope of the case

14. The complainant contacted the Commissioner on 5 March 2021 to complain about DWP's handling of their request for information.
15. Having reviewed the correspondence between the complainant and DWP, the Commissioner wrote to DWP setting out his preliminary opinion that the request was not vexatious or repeated as the complainant appeared to be attempting to refine or reword their requests to obtain the specified analysis. The Commissioner invited DWP to reconsider its position and set out what evidence he would require if DWP were to maintain its position.
16. DWP maintained its position and therefore the Commissioner considers that the scope of this case is to determine whether DWP is entitled to rely on sections 14(1) and 14(2) in response to the request dated 14 January 2021.

Reasons for decision

Section 14(1): Vexatious requests

17. Section 14(1) of the Act states that section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.
18. The term "vexatious" is not defined in the Act. The Upper Tribunal considered the issue of vexatious requests in the case of *Information Commissioner v Devon CC & Dransfield*³. The Tribunal commented that vexatious could be defined as the "manifestly unjustified, inappropriate or improper use of a formal procedure". The Tribunal's definition clearly establishes that the concepts of proportionality and justification are relevant to any consideration of whether a request is vexatious.
19. The Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues;
 - the burden imposed by the request (on the public authority and its staff);

³ <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680>

- the motive of the requester;
 - the value or serious purpose of the request; and
 - any harassment or distress of, and to, staff.
20. The Upper Tribunal did, however, also caution that these considerations were not meant to be exhaustive. Rather it stressed the “importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealing, the lack of proportionality that typically characterise vexatious requests” (paragraph 45).
21. In the Commissioner’s view, the key question for public authorities to consider when determining if a request is vexatious is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.

The complainant’s position

22. The complainant provided the Commissioner with copies of their previous correspondence with DWP for all five requests made (annex A) and explained that they had been trying to obtain further information about a comment repeatedly made by ministers regarding one million disabled households gaining, on average, £100 a month on Universal Credit compared with legacy benefits.
23. The complainant explained that they were interested in learning about the source of this figure as it did not confirm how many households would lose out in the move to Universal Credit.
24. The complainant set out that they had been trying to obtain a copy of the document that contains the research/analysis from which this figure came. They explained that they had contacted the Office for Statistics Regulation (OSR) as part of their efforts to obtain the source document. The complainant explained that the OSR had stated the figures came from “internal analysis carried out to look at the impacts of a proposed policy change”.
25. The complainant considers that treating their request as vexatious is “deeply unfair” as they have been required to submit multiple requests due to DWP’s failure to provide the document on which these claims are based.

DWP's position

26. The Commissioner asked DWP to provide the following as part of its submissions:

- Confirmation of what information is held regarding the source of the specified figure.
- Evidence that DWP had comprehensively addressed the subject matter prior to the request dated 14 January 2021.
- Detailed explanations regarding why DWP considers that the request is vexatious.

27. The Commissioner also asked DWP whether there was further correspondence to that provided by the complainant which should be considered as part of the history of this request. DWP confirmed that there was no further correspondence and the five requests (and associated internal reviews) comprised the entirety of the history of the correspondence on this matter.

28. DWP's submissions were as follows:

"In response to FOI2021/03005⁴, on 10 February 2021 we explained that it was the Department's internal analysis based on its Policy Simulation Model (PSM – this is a static micro-simulation model that calculates the effects of tax and benefit policy on a random sample of 21,000 households in Great Britain based on DWP's annual Family Resources Survey) and INFORM volume forecast model (a dynamic micro-simulation model that uses a 5 per cent sample of administrative data from DWP and HMRC systems that are merged on the basis of individual's National Insurance numbers to identify the combination of benefits received in each household. [Note – that the INFORM model was also aligned to the Department and HMRC's official caseload forecasts]).

The underlying methodology was signed off by the Office for Budget Responsibility and set out in detail (box 4.1 & 4.2) in the Welfare Trends Report⁵, including a fuller explanation of how the two models work.

⁴ The request which is the subject of this decision notice

⁵ The link to which was provided to the complainant in DWP's response dated 10 February 2021

[...] the analysis is produced by PSM and INFORM models, which contain a huge number of inputs which then estimates how many households would have a higher entitlement.

We provided the figures the model predicted, which showed that around 1m households that would otherwise have been on Employment and Support Allowance (ESA) would have an average notional entitlement of around £120 a month more on Universal Credit than they would have received on ESA

We further explained and provided examples of how the Department was able to estimate the number of disabled claimants that have a higher entitlement because we can clearly compare the amounts ESA recipients without the Severe Disability Premium (SDP) would be entitled to on UC⁶.

For example, in 2020/21 the Limited Capability for Work and Work Related Activity element in UC is £341.92 a month (or £78.90 a week) which is higher than the combination of the ESA Support Group rate (£39.20) and Enhanced Disability Premium rate (£17.10) which many of these claimants would have otherwise been claiming

[...] we have provided the outputs that led to the figures of 1 million disabled households being £120 per month better off on Universal Credit.

It would be unjustified and disproportionate to provide all the inputs that are submitted to the two large-scale DWP models – the policy simulation model (PSM) and the integrated forecast model (INFORM), to arrive at this estimate. Further adjustments are made 'off-model', including estimates for how UC will affect error and fraud. Additionally, as this involves confidential individual-level data, the raw inputs to the model cannot be released".

The Commissioner's position

29. As set out above, section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

⁶ Universal Credit

30. This will usually involve weighing the evidence about the impact on the authority and balancing this against the purpose and value of the request. This should be judged as objectively as possible; in other words, would a reasonable person think that the purpose and value are enough to justify the impact on the public authority. Where relevant, this will involve the need to take into account wider factors such as the background and history of the request.
31. The Commissioner acknowledges that the complainant has submitted several requests on the matter of DWP's estimate that approximately 1 million disabled households will be better off on Universal Credit. However, as set out to DWP in his investigation letter, the Commissioner considers that this is due, at least in part, to the complainant attempting to refine or reword their request in order to obtain the desired information. It is clear from the pattern of requests that the complainant believes that the figure used in ministers' statements has been taken from a formal piece of work that includes an analysis of the pros and cons of disabled households on legacy benefits moving onto Universal Credit.
32. This is supported by a previous request dated 16 November 2020, in which the complainant states:
- "Therese Coffey has previously stated (on 16/10/19) that, when Universal Credit is fully implemented, there will be around 1 million disabled households that will received a higher entitlement than they would have received in the legacy system.
- ...
- Even though the SoS⁷ was referring in her comments to an impact assessment carried out by the department..."
33. The Commissioner acknowledges that DWP considers that it has comprehensively addressed the complainant's request. However, having reviewed the correspondence he is not persuaded that this is the case.
34. The request dated 16 November 2020 (quoted above) follows a section 12⁸ refusal notice and is an attempt to clarify their request. It asks for the "figures from the impact assessment that was carried out which

⁷ Secretary of State

⁸ The cost of complying with the request would exceed the appropriate limit

showed an estimate for how many disabled households will receive a lower entitlement than they would have received under the legacy system” and also asks for the impact assessment itself.

35. In its response, DWP stated that it holds no information falling within the scope of the request. The complainant requested an internal review and made clear that they believed DWP had not included the request for the impact assessment in its consideration. At internal review, DWP stated that it did not hold an “Impact Assessment of the number of disabled claimants that will actually receive lower payments on UC than they would have received on legacy benefits” but did not confirm whether it held an impact assessment containing the figure of 1 million disabled households being better off on Universal Credit or whether this figure was derived from an impact assessment.
36. The complainant then requested copies of all equality impact assessments relating to the introduction of Universal Credit, presumably as an attempt to obtain the relevant impact assessment. DWP provided links to three impact assessments, relying on section 21 as the information was reasonably accessible to the complainant via these weblinks.
37. Following this, the complainant made the current request in which they confirm that the OSR has stated that the figure came from internal analysis and requested this internal analysis.
38. DWP originally provided an explanation of how the figure was arrived at but did not provide the specified internal analysis or confirm whether this is held. When this was disputed by the complainant, DWP amended its position to state that the request was vexatious.
39. The Commissioner is not persuaded that the request had already been comprehensively addressed⁹ prior to the complainant making it. He notes that DWP’s submissions focus on what information was provided in response to the current request rather than why the request itself is vexatious. Clearly, at the time of making the request, the complainant would not have the information which DWP went on to provide. It appears that DWP considers the request to be vexatious because the complainant requested an internal review.
40. Having reviewed the request in question, the Commissioner considers that DWP did not initially comply with the Act as it did not confirm or

⁹ As stated by DWP at internal review

deny whether it holds the requested "internal analysis"; instead it provided an explanation of the models used and how the estimate was made.

41. The Commissioner therefore understands why the complainant would seek an internal review in these circumstances and does not consider this to be a pattern of reopening issues that have been addressed previously¹⁰.
42. Section 1 of the Act provides a right of access to recorded information held by a public authority at the time of the request. Whilst explanations can be helpful, they cannot substitute for providing the recorded information falling within the scope of a request or confirming that this information is not held.
43. Having reviewed the correspondence between the complainant and DWP, and DWP's submissions, the Commissioner considers that the request is not vexatious.
44. DWP has failed to demonstrate that complying with the request would result in disproportionate burden. The request clearly has value and purpose as it seeks information that would increase public understanding of whether a move to Universal Credit is likely to benefit disabled households on legacy benefits. As set out above, the Commissioner considers that DWP had not directly addressed the complainant's request for the "internal analysis" from which the figure of 1 million disabled households being better off on Universal Credit was derived or confirmed what recorded information is held regarding the source of the figure.
45. The Commissioner notes that DWP has stated that providing the inputs would be an onerous task; however, DWP has not provided any further details regarding the burden this would place upon it. The Commissioner cannot accept a simple assertion that a task would be "onerous" as evidence of a disproportionate burden. Without further explanations, the Commissioner has no option but to conclude that responding to the request would not place an unreasonable burden on DWP.
46. The Commissioner's decision is that DWP is not entitled to rely on section 14(1) to refuse to comply with this request.

¹⁰ As stated by DWP at internal review.

Section 14(2): Repeated requests

47. Under section 14(2) of the Act, public authorities do not have to comply with a request which is identical, or substantially similar to a previous request submitted by the same individual, unless a reasonable period has elapsed between those requests. There is no public interest test.
48. A public authority may only apply section 14(2) if it has:
- previously provided the same requester with the information in response to an earlier FOIA request; **or**
 - previously confirmed that it does not hold the information, in response to an earlier FOIA request from the same requester.
49. If neither of these conditions applies, then the request is not repeated and the public authority cannot rely on this provision.
50. A request is identical if both its scope and its wording precisely matches that of a previous request. It is substantially similar if:
- the wording is different but the scope of the request is the same; or
 - the scope does not differ significantly from that of the previous request.
51. The reasonable interval is largely dependent on how likely it is that any of the information caught within the scope of the request differs or has changed since it was previously disclosed to the requester.
52. If the information is unlikely to be different, then the public authority will need to consider the amount of time between requests and decide whether this is enough to make it reasonable to provide the same information again.
53. The Commissioner asked DWP to provide evidence that it had previously complied with the request and provide a clear explanation setting out why it considers that either of the above criteria have been met.
54. DWP's response was as follows:
- "We believe we have responded to each of the FOI requests appropriately and provided what information was/is held to answer the main question `analysis that led to the figures of 1 million disabled

households being £100 per month better off on Universal Credit' which has been asked in numerous iterations.

As set out in response to the above questions¹¹ we have provided the latest outputs, examples of how the department makes these estimates and methodology of how the policy simulation models work. Over and above this, there is no additional recorded information to provide".

55. The Commissioner is not persuaded that DWP has previously complied with this request. Whilst there may be an overlap between information held in an impact assessment and information that can be considered as internal analysis, the Commissioner considers that it is clear that the complainant believes these to be separate and distinct pieces of information or documents.
56. Having reviewed the correspondence, the Commissioner notes that DWP has confirmed that it does not hold an "Impact Assessment of the number of disabled claimants that will actually receive lower payments on UC than they would have received on legacy benefits".
57. However, the Commissioner considers that the current request is significantly wider and likely to capture more information than the previous request.
58. Whilst DWP has confirmed that it does not hold an impact assessment related to the requested subject matter, if the internal analysis that has been requested is held outside of an impact assessment then the complainant's previous requests for impact assessments will not have captured this information. Equally, if DWP does not hold any internal analysis relating to the relevant figure, then confirming that it does not hold an impact assessment has not informed the complainant that the internal analysis is not held.
59. The Commissioner does not therefore consider that the requests are identical or sufficiently similar to engage section 14(2).
60. The Commissioner again notes that DWP appears to be relying on the information provided in response to the disputed request as evidence that it had previously complied with the request. The Commissioner cannot accept such paradoxical arguments which attempt to retrospectively apply section 14 to a request on the basis of the response to that request.

¹¹ Regarding DWP's reliance on section 14(1)

61. The Commissioner's decision is that section 14(2) is not engaged. He requires DWP to comply with the request by issuing a fresh response that does not rely on either section 14(1) or 14(2).

Other matters

62. When issuing its fresh response, DWP should take care to ensure that it determines whether or not it holds the specific analysis that led to the figure of one million disabled households being better off on Universal Credit and confirm to the complainant clearly whether or not it holds this recorded information (subject to any 'neither confirm nor deny' provisions).
63. Whilst DWP has not made clear whether it holds the requested information, the Commissioner acknowledges the possibility that the exercise undertaken to calculate the relevant figure may not have been one that would lead to a recorded analysis or calculation. For example, if a number of claimant scenarios are fed into the forecast model set out above and this model calculates and provides a single figure. If DWP would need to rerun the exercise again in order to respond to the request, it should consider whether this constitutes the creation of information.

Right of appeal

64. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 123 4504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

65. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
66. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

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

Annex A – Summary of requests

Request 1 – FOI2020/09640

On 12 June 2020, the complainant requested information in the following terms:

“Thank you for the information. My apologies for the error.

Justin Tomlinson has stated on several occasions that ‘Around 1 million disabled households will gain, on average, £100 a month on universal credit compared with legacy benefits’:

<https://hansard.parliament.uk/Commons/2019-10-07/debates/69920F33-38B6-4F13-ABA4-A1D016A6A2FE/UniversalCreditDisabledClaimants>

Can you tell me:

1 Does this one million figure represent the number of ESA claimants who were previously claiming severe disability premium and/or enhanced disability premium? If not, what does it represent?

2 Please provide any updated figures for how many ESA claimants are claiming SDP and/or EDP.

3 Please provide figures for how many ESA claimants are not receiving SDP and/or EDP.

4 You say in your FoI response: ‘on ESA, the combination of the Support Group and Enhanced Disability premium would have given a single claimant around £239 a month. On UC there are no disability premia but the equivalent Support Group element in UC, the Limited Capability for Work and Work Related Activity Element is £336.20 a month.’ Can you please provide the equivalent figures (under ESA and UC) for:

- a) Those currently receiving ESA, EDP and SDP
- b) Those currently receiving ESA and SDP
- c) Those currently receiving only ESA (and no associated premia).”

DWP responded on 12 June 2020 and confirmed it held the requested information.

In relation to request “1”, DWP provided an explanation which included confirmation that this group includes those who were previously receiving the support group component and the EDP, as the LCWRA element in UC is higher than these two combined.

In relation to request 2, DWP provided figures from November 2019.

In relation to request 3, DWP provided a figure from May 2019.

In relation to request 4(a)-(c), DWP confirmed that the information was exempt under section 21 as it was already reasonably accessible to the applicant and provided links to this information.

Request 2 – FOI 2020/30909

On 21 June 2020, the complainant requested information in the following terms:

“Therese Coffey has previously stated (on 16/10/19) that, when Universal Credit is fully implemented, there will be around 1 million disabled households that will receive a higher entitlement than they would have received in the legacy system.

Please tell me, when UC is fully implemented, how many disabled households will receive a lower entitlement than they would have received in the legacy system.

Also, when UC is fully implemented:

1 How will the additional amounts per month for those in the limited capability for work group of UC compare with what they would have received in the ESA work-related activity group, for those who also received:

- a) Enhanced disability premium
- b) severe disability premium
- c) both enhanced and severe disability premium
- d) neither enhanced nor severe disability premium

2 How many people do you expect to be in each of these four groups (1a-d) when UC is fully implemented?”

DWP provided its response on 13 July 2020. DWP confirmed that it did not hold the information required to answer the first element of the request. DWP confirmed that it held information falling within the scope of requests 1(a)-(d) and 2 but was relying on section 12 to refuse to comply with the request. DWP advised that it believed the request could not be refined sufficiently to bring it within the appropriate limit.

Request 3 – FOI2020/62981

On 16 November 2020, the complainant refined the request sent on 21 June 2020 (FOI2020/30919) as follows:

“Please accept this request for information under the Freedom of Information Act.

This is a follow-up to your response to FOI2020/30909 of 13 July 2020.

I am focusing on this part of my previous query:

"Therese Coffey has previously stated (on 16/10/19) that, when Universal Credit is fully implemented, there will be around 1 million disabled households that will receive a higher entitlement than they would have received in the legacy system.

Please tell me, when UC is fully implemented, how many disabled households will receive a lower entitlement than they would have received in the legacy system."

Even though the SoS was referring in her comments to an impact assessment carried out by the department, I have been told by OSR that the reason you were unable to provide the information in July is that you thought I was asking for the actual figures at the end of roll-out, which would of course have been impossible.

I am therefore trying again, and will try to be as clear as I possibility can. Please let me know if you don't understand.

Please send me the figures from the impact assessment that was carried out which showed an estimate for how many disabled households will receive a lower entitlement than they would have received under the legacy system.

For further clarity, when Therese Coffey said that one million disabled households will gain, how many – according to the same impact assessment her figures were drawn from – will lose out. According to the estimates in the impact assessment.

Please also send me a copy of the impact assessment these figures were taken from".

DWP responded on 16 November 2020 and stated that it did not hold recorded information falling within the scope of the request. DWP also provided an explanation regarding transition payments. DWP stated "We do not have estimates of how many of those claims with a notionally lower entitlement will be moved by the department and therefore cannot estimate the number of disabled people who will actually be on lower benefit than they would have under legacy".

On 19 November 2020, the complainant requested an internal review, stating:

"There are two reasons.

1 You have not sent me the impact assessment I requested. You have given me no explanation for this.

2 The move to universal credit will also affect new claimants, and not just those who are shifting across from legacy benefits. So no matter what interim or other measures you take with those previously on legacy benefits, there will be some gainers and losers among new claimants, in comparison with the benefits they would have received under the old system. I assume the impact assessment will include this group.

Either way, please just send me a copy of the impact assessment the figures were taken from. There is no conceivable reason why you cannot do that."

DWP provided the outcome of its internal review on 18 December 2020. DWP upheld the original response and confirmed that it does not hold an "Impact Assessment of the number of disabled claimants that will actually receive lower payments on UC than they would have received on legacy benefits".

DWP provided an explanation of how it was able to estimate the number of disabled claimants that have a higher entitlement and confirmed that it is not able to provide the same estimates for the number of claimants who will receive a lower entitlement.

Request 4 - FOI2020/81575

On 18 December 2020, the complainant requested the following information:

"Please send me copies of all equality impact assessments carried out by the department relating to the introduction of Universal Credit"

DWP responded on 29 December 2020 and confirmed it held the requested information. DWP confirmed that the information was exempt under section 21 as the information was reasonably accessible to the applicant and provided links to the following documents:

- Universal Credit initial equality impact assessment November 2010
- Welfare Reform Bill 2011: equality impact assessments general introduction
- Welfare Reform Act 2012: equality impact assessments