

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 August 2023

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

Decision (including any steps ordered)

1. The complainant has requested information from the Department for Work and Pensions (DWP) regarding policies it holds.
2. The Commissioner's decision is that the DWP does not hold any additional information within the scope of the request.
3. The Commissioner does not require further steps.

Request and response

4. On 5 March 2023, the complainant wrote to the DWP and requested information in the following terms:

"The DWP operates Jobcentres in the UK staffed by G4S staff. There are occasions in which staff employed at the DWP engage in criminal misconduct such as assault, misconduct in public office, and other offences.

If a visitor to the Jobcentre films DWP staff and/or G4S for the purpose of evidential collection, what is DWP policy to apply force to the person collecting evidence, possibly for the Home Office, CPS, or for a private prosecution? Aside from the use of force, what other action could be taken under DWP policies to prevent evidence from being collected.

If the person is prevented from collecting evidence by the use of force and/or other preventive action by G4S and/or DWP staff, what is the DWP policy related to perversion of the course of justice, witness harassment, and other offences related to the flow of justice in England and Wales?

The law does not distinguish between actually using force, and attempting to use force. The law also makes it an offence to assist in an offence such as perverting the course of justice, including preparatory action. You should include in your answer policies therefore related to attempting to use force, preparing to use force; and assisting in these actions."

5. The DWP responded on 3 April 2023. It stated that it did hold some of the requested information, but it failed to provide the information to the complainant and only outlined the information.
6. Following an internal review the DWP wrote to the complainant on 28 April 2023. It advised that it was upholding its original response, but provided the information within the scope of the request.

Scope of the case

7. The complainant contacted the Commissioner on 21 May 2023 to complain about the way their request for information had been handled.
8. During his investigation, the DWP identified two additional documents within the scope of the request. These were disclosed to the complainant once located.
9. The Commissioner considers that the scope of his investigation is to decide whether, on the balance of probabilities, the DWP holds any additional information within the scope of the request.

Reasons for decision

Section 1 FOIA – determining whether information is held

10. Section 1 of FOIA says that a public authority is required to confirm or deny that it holds the requested information, and disclose relevant information that it holds, unless an exemption or exclusion applies. If a public authority does not hold recorded information that falls within the scope of the request, the Commissioner cannot require the authority to take any further action.

11. In cases where there is a dispute as to the information held by a public authority, the Commissioner will use the civil standard of proof, i.e. the balance of probabilities. In order to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request.
12. The DWP informed the Commissioner, that whilst it was unable to comment on the particular circumstances outlined by the complainant in their request, it had provided all the relevant information it held.
13. The DWP advised the Commissioner that it had conducted electronic searches in all relevant areas of the business, these areas included; People & Capability (HR), Security & Data Protection and Estates (who manage the site security contractors).
14. The DWP explained it had searched its internal intranet sites using search terms such as; "filming in job centres/DWP premises, unauthorised filming, unacceptable customer behaviour". The DWP also consulted colleagues within the relevant areas and confirmed to the Commissioner that no further information was located.
15. The DWP stated that no known information had been destroyed or deleted by it. If any information had been deleted or destroyed, this would have been in line with the documents retention policy. Even if such information had existed and been provided, this would not have been a current policy and therefore wouldn't have been within the scope of the request.
16. The DWP explained that there is a business requirement for it to hold information relating to the request, as it will advise staff what they should do in the event that unauthorised filming takes place.
17. The DWP concluded that it also did not hold any recorded information dedicated specifically to the perversion of the course of justice, witness harassment, and other offences related to the flow of justice in England and Wales.
18. The complainant advised the Commissioner that they believed the DWP must have a policy regarding individuals filming in order to collect evidence.

The Commissioners decision

19. Based on the above provide by the DWP, the Commissioner is satisfied, on the balance of probabilities, that no further information within the scope of the request exists.
20. The DWP has clearly provided the complainant with all the relevant information it holds. The Commissioner is satisfied that the DWP does not have any additional policies, based on hypothetical scenarios which may/may not occur.

Right of appeal

21. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

22. 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.
23. 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

Michael Lea
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