

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 23 September 2024

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

#### **Decision (including any steps ordered)**

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1. The complainant has requested information on the Data Protection Impact Assessments (DPIAs) conducted by the Department for Work and Pensions (DWP).
2. The Commissioner's decision is that DWP provided the disclosed information outside of the statutory timeframe in breach of section 10(1).
3. As DWP has disclosed the information, the Commissioner does not require DWP to take any steps.

#### **Request and response**

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4. On 3 March 2024, the complainant wrote to DWP and requested information in the following terms:
  - "1. Can you please provide the number of Data Protection Impact Assessments conducted by DWP in 2023?
  2. Can you please advise if these were a full assessment or a screening?
  3. Can you please disclose a brief description of each assessment, for example the title and any reasonable explanation to assist the reader?

4. Can you please disclose a copy of your internal guidance and the template for your assessment?
5. Can you please disclose a copy of any training you have given to internal colleagues about assessments, for example the slides in any training session.”
5. DWP responded on 18 March 2024 and confirmed holding the information. DWP refused to comply with the request as it would exceed the costs limit provided by section 12(1) of FOIA.
6. DWP upheld its position at internal review. It explained that responding to request 3 would require it to provide an overview and brief description of each of the 245 DPIAs conducted in 2023 and this would exceed the cost limit.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 19 April 2024 to complain about the way their request for information had been handled. Originally, they disputed DWP’s reliance on section 12(1).
8. The Commissioner wrote to DWP to set out his preliminary position that section 12(1) was not engaged as request 3 was a request for a summary under section 11, means by which communication to be made, and should be refused under section 11 if it is not “reasonably practicable”<sup>1</sup>.
9. DWP accepted this position and issued a revised response to the complainant. It provided the requested information with the exception of request 3 and explained that this was because it would have to summarise 245 DPIAs to comply with this request.
10. The complainant confirmed to the Commissioner that they were satisfied with the information provided in the revised response. They requested that the Commissioner issue a decision recording DWP’s handling of the request and its late provision of information.

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<sup>1</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/means-of-communicating-information-section-11/>

## **Reasons for decision**

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### **Section 10(1): Statutory time for compliance**

11. Section 1(1) of FOIA provides that any person making a request for information to a public authority is entitled, subject to exemptions:
  - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
  - (b) if that is the case, to have the information communicated to him"
12. Section 10(1) of FOIA provides that public authorities must comply with section 1(1) promptly and in any event not later than the twentieth working day following the day of receipt.
13. As DWP provided the complainant with information during the Commissioner's investigation, outside of the statutory timeframe of 20 working days, DWP has breached section 10(1) of FOIA.

### **Other matters**

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14. Whilst the Commissioner recognises that the right to request a summary of information under section 11(1)(c) is a rarely used provision, he reminds DWP that section 12(1) has limited "permitted activities" that can be included in the cost calculation of complying with a request. In this case, DWP's calculations were based on the creation of summaries which is not a permitted activity.
15. The Commissioner expects DWP to take steps to ensure that requests under section 11 are recognised so that requesters are not disadvantaged by the late provision of information.

## **Right of appeal**

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16. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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