

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 December 2024

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 emails associated with London Jobcentres.
2. The Department for Work and Pensions (DWP) relied on section 12(1), cost of compliance, to refuse to comply with the request.
3. The Commissioner's decision is that DWP is entitled to rely on section 12(1) to refuse to comply with the request.
4. The Commissioner finds that DWP did not provide adequate advice and assistance in accordance with section 16. However, the Commissioner has ordered remedial steps which would also rectify this matter in decision IC-316713-L5R8. As the complainant in both cases is the same person, the Commissioner is exercising his discretion to not duplicate this action.

Request and response

5. On 8 April 2024, the complainant wrote to DWP and requested information in the following terms:

“Under the FOI-Act,
Can you please provide the email-addresses for the JSA-Teams and ESA-Teams in each of the London jobcentres?”
6. DWP requested clarification of the specific information sought on 3 May 2024. DWP confirmed that it was unsure which email addresses the complainant was seeking and provided three different possible interpretations of the request.
7. On 4 May 2024, the complainant provided the following clarification:

“I think my request was already sufficiently clear.
But I limit it to
1) the team-email-addresses that do not contain any personal information,
+
2) for those JobCentres that do not have that, I request those email addresses that are already in use with the public + are therefore no longer protected.

Please note, that request2 only applies for teams that do not have team-email-addresses. (If a particular JobCentre has a team-email-address for the JSA-Team but not for the ESA-Team, + vice versa, + if any JobCentre has a team-email-address for both, then I don't need request2 for that JobCentre.)”
8. DWP provided its response on 15 May 2024 and refused to comply with the request on the basis of section 12(1). DWP originally, however, stated that it did not hold information falling within the scope of part 1 of the request.
9. DWP explained that it was relying on section 12(1) as the request was for any email addresses that have been used with the public and that would require DWP to manually identify each email address used within all London Jobcentres that may have been used to email externally.
10. DWP stated that it could not provide specific advice and assistance on how to refine the request due to the high levels of manual processing required.
11. The complainant requested an internal review on 20 May 2024 in the following terms:

"Can you please review your reply?

It would help to know how the costs break down, + what exactly the time would be spend [sic] on".

12. DWP provided the outcome of its internal review on 30 July 2024.
13. In relation to part 1 of the request, DWP confirmed that its original response was incorrect and it should have relied on section 12 rather than state that no information is held. DWP explained that this was because it does not have a readily available list of the specific email addresses requested and collating this information would involve high levels of manual filtering and extracting DWP's Global Address List.
14. In relation to part 2 of the request, DWP upheld its reliance on section 12. DWP provided a list of criteria it would need to follow to determine whether information fell within the scope of the request.
15. DWP again confirmed that it could not provide any advice and assistance regarding how to refine the request.

Scope of the case

16. The complainant contacted the Commissioner on 27 June 2024 to complain about the way their request for information had been handled.
17. The Commissioner considers that the scope of his investigation is to determine whether DWP is entitled to rely on section 12(1) to refuse to comply with the request. He will also determine whether DWP has provided adequate advice and assistance in accordance with section 16(1).

Reasons for decision

Section 12: Cost of compliance exceeds the appropriate limit

18. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled -

(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 that information communicated to him".

19. Section 12(1) states:

“Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit”.

20. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004¹ (the Fees Regulations) at £600 for central government departments.

21. The Fees Regulations also specify that the cost of complying with a request must be calculated at a rate of £25 per hour. This means that DWP may rely on section 12 where it reasonably estimates that complying with the request would take longer than 24 hours, or 1440 minutes.

22. Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the cost it reasonably expects to incur in carrying out the following permitted activities in complying with the request;

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

DWP's position

23. DWP explained that there are over 50 Jobcentres in London, all with multiple email addresses for individuals, teams, rooms and shared inboxes. DWP set out that to determine the email addresses that would be relevant to the request would require a manual scan of its Global Address List (GAL) of emails which is wider than just the London Jobcentre sites. DWP confirmed that there is no readily available list of external email addresses used.

24. DWP explained that the GAL has an advanced search feature but when trying to search for individual site locations it will provide all of the colleagues assigned to the Jobcentre and the team/external email addresses are excluded. DWP also explained that how a colleague or team email address is recorded varies, for example, on an email address

¹ <https://www.legislation.gov.uk/ukxi/2004/3244/contents/made>

profile, it is not mandatory to assign it to a site as there are multiple roles which are across sites, districts and groups.

25. DWP explained that it has approximately 209,000 email addresses on the GAL. In order to comply with the request within the cost limit, it would need to review each email and determine if it falls within the scope of the request in less than half a second per email.
26. DWP explained that this is further complicated by some email addresses not having the site name as the first part of its email address or may include special characters such as full stops which increases the challenge of identifying a Jobcentre.
27. DWP explained that the GAL also includes email addresses for the meeting rooms, distribution lists and shared email accounts for various sites, including some within the London area which are not specific to any team or individuals.
28. DWP explained that it is a largely telephony-based service providing a range of initial contact methods including online services for many of its customers. DWP set out that it is not able to use email as the main channel of communication because of the associated security and GDPR risks. DWP explained that in line with the requirements of the Equality Act 2010, it offers email as a reasonable adjustment when providing written communication to customers who require information in an alternative format. DWP explained that this can be requested and considered on a case-by-case basis due to the individual needs of the customer.
29. DWP explained that although Jobcentre managers are responsible for the site's day to day running, and can make changes including creating, amending and deleting email addresses, email addresses are managed by colleagues within the Digital Directorate.
30. DWP stated that even if it were to write out to the London Jobcentre Managers to find the email addresses for their sites, the managers would have to review the entire GAL to determine what emails are associated with their individual site. DWP also explained that Jobcentre colleagues, including Customer Service Leaders, often change sites and roles or even leave the department.

The Commissioner's position

31. Having reviewed DWP's submissions, the Commissioner accepts that complying with the request will exceed the appropriate limit of 24 hours, or 1440 minutes.

32. The Commissioner acknowledges that the complainant considers that complying with their request is a simple matter of extracting a list of team emails. However, DWP has explained that identifying and extracting the emails is more complicated due to the emails not being specifically assigned to individual Jobcentres.
33. The Commissioner accepts that DWP would need to review the entirety of the GAL, approximately 209,000 email addresses, to determine which emails are non-personal team email addresses and then which of these emails are associated with London Jobcentres in order to determine what is held in relation to part 1 of the request. This does not include the actions that would need to be taken to find the information falling within the scope of part 2 of the request which will only increase the time required for compliance.
34. The Commissioner therefore finds that complying with this request will exceed the appropriate limit and DWP is entitled to rely on section 12(1) to refuse to comply with the request.

Section 16: Duty to provide advice and assistance

35. Section 16(1) of FOIA states:

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it".

36. As part of its submissions to the Commissioner in a related case IC-316713-L5R8, DWP stated:

"the requester may be able to narrow [their] request to ask for 'active external e-mail addresses currently used by Jobcentres for customers in London'. I apologise that this had not been identified as a suggestion under section 16 of the FOI Act previously".

37. As DWP has acknowledged that there is further advice and assistance it could provide, the Commissioner considers that DWP did not act in accordance with section 16(1). However, as the Commissioner has ordered remedial steps in decision IC-316713-L5R8 which would resolve this matter he does not require DWP to duplicate this action.

Right of appeal

38. 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

39. 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.
40. 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