

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 March 2025

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 all pages from the Universal Credit online claim process.
2. The Department for Work and Pensions (DWP) originally stated that it did not hold the requested information. However, during the course of the Commissioner's investigation, it amended its position and relied on section 12(1) 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. The Commissioner also finds that DWP complied with its section 16(1) obligations to offer advice and assistance in relation to the request.
4. No further steps are required.

Request and response

5. On 20 September 2024, the complainant wrote to DWP and requested information in the following terms:

"Under the FOI-Act:

Can you please forward me a copy of a paper UniversalCredit/UC application form?

(According to the document

<http://assets.publishing.service.gov.uk/media/5be0189040f0b60518c5>

[f68b/draft-universal-credit-managed-migration-regulations-2018-report.pdf](#), the DWP was supposed to develop this.)

If you did not develop this, then, can you please provide all pages of the UC online-application (e-form), in full?"

6. DWP provided its response on 2 October 2024 and denied holding a paper copy of the application form. DWP also denied holding copies of all the pages on the form as the questions are built dynamically based on information the customer provides and therefore the screen will be different for each customer.
7. The complainant requested an internal review on 4 October 2024 and disputed that the information was not held. They considered that regardless of whether it was dynamic, the information was held.
8. DWP provided the outcome of its internal review on 16 October 2024. It amended its position regarding the claim pages. DWP relied on section 21, reasonably accessible to the applicant, as it considered that the requested information was in the public domain.
9. DWP set out that it had interpreted the request as being for examples of the Universal Credit claim screens. DWP explained that it does produce a guide for customers that is illustrated with screens from the Universal Credit system. DWP provided a link¹ to this YouTube video which contains screenshots of all the key components of the Universal Credit claim process.
10. DWP stated that if this demonstration did not answer the specific scenario the complainant was seeking, it is possible to make a claim to Universal Credit to see the screens and provided a link to the Universal Credit claim process page.

Scope of the case

11. The complainant contacted the Commissioner on 17 October 2024 to complain about the way their request for information had been handled. Specifically, they disputed that the requested information was reasonably accessible to them.
 12. During the course of his investigation, the Commissioner wrote to DWP and provided his opinion that section 21 was not engaged. The
-

¹ <https://www.youtube.com/watch?v=pPJoe14OV8o>

Commissioner noted that DWP itself had stated that it was necessary to make a claim to access all the pages which involves providing excessive personal data such as bank details. The Commissioner explained that while this would be appropriate for those actually making a claim, it is not reasonable to expect this information to be provided in order to access the information only.

13. The Commissioner explained that given the formal nature of the claim form, applicants may be concerned that they cannot provide anonymous or 'dummy' information without the potential for an accusation of fraudulent activity, particularly if the requester already has a claim for Universal Credit. The Commissioner also noted that the tutorial provided did not include all pages within the form.
14. Following this, DWP wrote to the complainant on 16 January 2025 and revised its position. DWP relied on section 12, cost of compliance, as the time taken to provide all the pages related to numerous different scenarios catered for by the system would exceed the appropriate limit.
15. DWP advised narrowing the request to ask for the initial Universal Credit information gathering questions for a couple in a rented property as this may fall within the cost limit.
16. DWP explained that while researching its response to the Commissioner, it had discovered a Citizens Advice tool that it considered may be helpful. DWP explained that the tool replicates the Universal Credit claim form but was not information owned by DWP.
17. Following this revised response, the Commissioner considers that the scope of this investigation is to determine whether section 12 is engaged and whether DWP has provided reasonable advice and assistance in accordance with section 16.

Reasons for decision

Section 12: Cost of compliance exceeds the appropriate limit

18. Section 12(1) of FOIA states that a public authority is not obliged to comply with a request for information if it estimates that the cost of complying with the request would exceed the appropriate limit.
19. When considering whether section 12(1) applies, the public authority can only take into account certain costs, as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations'). These are set out at Regulation 4(3) and are:

- determining whether it holds the information,
 - locating the information, or a document which may contain the information;
 - retrieving the information, or a document which may contain the information; and
 - extracting the information from a document containing it".
20. The appropriate limit is set in the Regulations at £600 for central government, legislative bodies and the armed forces and at £450 for all other public authorities. The appropriate limit for DWP is £600.
21. The Regulations also specify that the cost of complying with a request must be calculated at the 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. If the public authority estimates that compliance with one part of the request would exceed the appropriate limit, it is not obliged to comply with the entire request. There is no public interest to consider. In dealing with a complaint to him under FOIA, it is not the Commissioner's role to make a ruling on how a public authority deploys its resources or how it chooses to hold its information.
23. A public authority does not have to make a precise calculation of the cost of complying with a request; instead, only an estimate is required. However, it must be a reasonable estimate. In accordance with the First-Tier Tribunal decision in the case of *Randall v IC & Medicines and Healthcare Products Regulatory Agency* (EA/2007/0004), the Commissioner considers that any estimate must be "sensible, realistic and supported by cogent evidence".
24. Where a public authority claims that section 12 is engaged it should, where reasonable, provide advice and assistance to help the requester refine the request so that it can be dealt with under the appropriate limit, in line with section 16 of FOIA.

Would the cost of compliance exceed the appropriate limit?

25. As is the Commissioner's practice, during the course of his investigation, he asked DWP to provide a more detailed explanation of its position and to provide more detailed information about its costs and any sampling exercises undertaken.

26. DWP explained in its submissions that the specific questions asked in each claim will vary depending on the claimant's circumstances and the information provided.
27. DWP explained that this means that even the comprehensive model built by Citizens Advice will not provide every possible screen that may be required to complete every type of Universal Credit claim.
28. DWP stated that it is possible given sufficient time and resources to generate every potential Universal Credit screen, but this would be a project that would take several weeks.
29. DWP confirmed that it had undertaken an exercise to estimate how long it would take to generate all of the potential question screens that could be generated in the process of completing the various types of Universal Credit claim types.
30. DWP set out that it had established that it took over three hours to register an account and identify the various screens associated with potential claimant scenarios to get to the initial claim registered stage of the claim process.
31. DWP explained that once the claim is registered, information must be collected covering a range of information in each of the following categories:
 - Nationality
 - Health
 - Household composition
 - Work and Earnings
 - Bank Account details
 - Money, Savings and Investments
 - Income other than earnings
 - Education and Training
 - Health
 - Caring responsibilities
32. DWP set out that depending on the answers to the initial questions there are numerous paths that a claim could follow in each of these categories.

33. DWP explained that, based on the sampling work it has undertaken to test the time taken to get to the claim registration stage, it was confident that the work to produce every potential screen, including the related to-dos, would comfortably exceed the cost limit.

The Commissioner's position

34. Having considered DWP's explanations and having reviewed the Citizen's Advice approximate copy of the claim process, the Commissioner is satisfied that complying with the request would exceed the appropriate limit.
35. The Commissioner considers that the situation is more complex, and the work required by DWP more involved, than simply providing a claim form. The Commissioner acknowledges the complainant's position that this should be available, however, he must base his decision on the specific circumstances of how the information is held.
36. Whilst the number of pages would be finite, having reviewed the Citizen's Advice approximation of the claim process each question has numerous options which each lead to further questions with multiple options. Therefore it would be a very time consuming process to manipulate the application process to take account of all the possible variable answers a claimant could make and in turn 'generate' all of the potential pages that are provided in response to different answers.
37. The Commissioner accepts that DWP would need to manually interrogate the application form to obtain the various pages that would be created following each different answer to the questions asked.
38. The Commissioner recognises that there will be occasions, such as this one, where information falling within the scope of the request is so broad that it would be impossible to quantify the total cost of compliance without essentially complying with the request.
39. Given the large amount of information requested, the wide nature of the request and the way the information is held as an online process with a substantial number of pathways, the Commissioner is satisfied that complying with the request would therefore exceed the appropriate limit and section 12(1) is engaged.

Section 16: Advice and assistance

40. When refusing a request under section 12, a public authority needs to offer reasonable advice and assistance to the requester. Section 16(2) clarifies that, providing an authority conforms to the recommendations

as to good practice contained within the section 45 code of practice² in providing advice and assistance, it will have complied with section 16(1).

41. The aim of this advice and assistance is to help the requester refine their request to one that can be complied within the appropriate limit. The Commissioner notes that in its revised response DWP provided the complainant with a link to the approximated claim form and advised the specific claim scenario that it considered it could provide within the appropriate limit.
42. The Commissioner considers that DWP has provided reasonable advice and assistance in accordance with section 16 of FOIA. The Commissioner encourages the complainant to refine their request in the way suggested by DWP.

² <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Right of appeal

43. 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

44. 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.
45. 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