

DWP Central Freedom of Information Team

e-mail: freedom-of-information-rexxxxx@xxx.xxx.xxx.xx

Our Ref: VTR 5187

25th January 2013

Dear Mr Brown,

Thank you for your Freedom of Information request which is copied below along with our response.

Condition 1 of the First Principle of the Data Protection Act 1998 states explicitly that personal data belonging to an individual (data subject) cannot be stored or processed by another party unless consent has been given by that individual (data subject) in respect to such storage and processing, i.e., "The data subject (the person whose data is stored) has consented ("given their permission") to the processing..."

This being the case can you confirm that:

(1) British citizens have the absolute right not to consent to upload personal data (in the form of a CV, specimen letter, or similar personal information) to and for processing by Universal Jobmatch.

(2) Any British citizen choosing not to consent to submit their personal data to Universal Jobmatch (for storage and processing) cannot subsequently be sanctioned or penalised as a consequence by Jobcentre staff, Work Programme providers, or similar individuals, for exercising a legal right, granted to all British citizens in respect to their personal data, by the Data Protection Act 1998?

Firstly, the Data Protection Act allows for lawful processing of data, which is not limited to consent only.

However, as it is not currently mandatory for jobseekers to use the Universal Jobmatch service, any registration with the service is made on a voluntary basis and therefore with the consent of that individual.

With reference to future intentions to mandate JSA claimants to register with Universal Jobmatch the Department is not required to disclose this information because we believe that sections 35 and, where relevant, 42 of the Freedom of Information Act apply. Both of these

exemptions require a public interest test and as we are still designing the process and policy it would not be in the public's interest to issue partial information which may mislead whilst decisions are still being made.

Section 35 (formulation of government policy etc)

This policy is still being developed. The Department considers that the balance of public interest therefore weighs in favour of non-disclosure. This is because the Act acknowledges that good government depends on good decision making and therefore needs space in which to formulate policies based on the best advice available with full consideration of all the options. Ministers also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off other, better options.

Section 42 (legal professional privilege)

There are no identifiable reasons why the strong presumption in favour of non-disclosure of legally privileged information should be overridden in relation to Universal Jobmatch.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk