

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwpgsi.gov.uk

Our Ref: VTR4586

DATE: 10 November 2014

Dear Ms Bellows,

Thank you for your Freedom of Information (Fol) request received on 14 October 2014. You asked:

I would like to have copies of all communications (emails, meeting minutes etc.) between DWP and Motability about Personal Independence Payments (PIP) and the potential loss for DLA claimants of their Motability vehicle after their move to PIP, covering the period prior to October 2013, which can be obtained within the limit of £600. Although I would like as much information as possible, again because of the cost limits, I would like to have, as a priority, communications between DWP ministers or advisers (meaning Iain Duncan Smith, David Freud, Mike Penning) and Motability.

I confirm that the Department holds the information you have requested but it is being withheld because it falls into the exemption at sections 41 and 43 of the Freedom of Information Act. Section 41 exempts information which, if disclosed, would constitute an actionable breach of confidence against the Department.

Motability is an independent charity and letters from the charity are sent on the implicit assumption that they will be held in confidence. Section 43 exempts information which, if disclosed, would be likely to prejudice the commercial interests of any person. It protects not only the commercial interests of third parties but also the commercial interests of the Department.

Section 21 of the Freedom of Information Act also applies as Motability have published details of their transitional support package for people who have a Mobility car but who subsequently do not receive Personal Independence Payment. This information is therefore reasonably accessible to you and can be found on the Motability website.

Finally, section 35 applies. This exempts information that relates to the formulation or development of government policy and protects the space around Ministers and their advisers allowing the candid exploration of policy issues with outsiders, in this case, Motability.

As required by the FoI Act the use of the exemption in section 41, 43 and 35 requires the public interest for and against disclosure to be assessed. On balance I am satisfied that, in this instance, the public interest in applying the exemptions outweighs the public interest in disclosure.

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

Yours sincerely,

DWP Central FoI 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 FoI 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.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745