

To Mr J Newman
Request-106444-5eafxxxx@xxxxxxxxxxxxxxxxxxx

DWP Central Freedom of Information Team

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

Our Ref:3623-IR473

DATE 4th September 2012

Dear Mr Newman

Thank you for your Freedom of Information request dated 28 July 2012 that was received by the Department for Work and Pensions (DWP) freedom-of-information-requests on 30 July 2012 and forwarded for response by DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information (Fol) Internal Reviewing Officer (IRO).

In your email you asked to be provided with information answering the following questions:-

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Atos FFW recommendations overturned by DWP 10/08 – 02/11'.

Whilst my original request was deliberately worded to comply with the stipulations & limitations of the Act, your responses do not. Although you have accepted your response was beyond the 20 day limit, you have not dealt with the following issues:

- It did not contain the documented information I requested and the Act requires you provide if indeed it exists. If it does not, you must say so.*
- It includes statements relating to my request that may or may not be correct, but they are unsupported by any documented information and are therefore only the author's opinion or interpretation.*

My IRR dated 28th May explains these points in detail. Your response dated 11th July attempts to transfer the unanswered issues to a new request (VTR2601) although the Act does not allow you randomly partition requests in this manner. Even if it did, it is already 2 months old (from 28th May), so warrants yet another IRR. You will no doubt suggest that the 20 day clock did not start running until 11th July, when it actually started on 28th May. I pointed this all out on 28th June, but after a month I have not had a response to this note either. The end result is that my original request is still incomplete after over 5 months and as I have pointed out previously, this is routine management information.

Clearly one for the ICO.

A full history of my FOI request and all correspondence is available on the Internet at this address:

http://www.whatdotheyknow.com/request/atos_ffw_recommendations_overtur

The MSCCT IRO has read your letter and accepted this as a request for an Internal Review in order to check that the handling of your request was dealt with appropriately. May I take this opportunity to apologise for the delay in fully responding to your request for an internal review of the response previously supplied.

Your request '*Atos FFW recommendations overturned by DWP 10/08 – 02/11*' (FOI 3375-IR351) was received by the Department on 28 May 2012 and forwarded for response by DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information (Fol) Internal Reviewing Officer (IRO).

The Freedom of Information (Fol) Act allows 20 working days from date of receipt of the request in which to respond. MSCCT endeavour to answer promptly and no later than the 20 day deadline, unless the deadline is extended because the information requested must be considered under one of the exemptions to which the public interest test applies.

The 20 working day deadline for this request was 27th June 2012 and it is noted that the response was issued to you via the What Do They Know website on 12 July 2012 (the response was dated 11 July 2012). In this instance, the Department has failed to respond within the 20 working days and MSCCT apologise for the delay in replying to your request.

In reviewing your request the MSCCT IRO upholds your complaint as the Department failed to respond to both your original request and provide you with the reasons for the delay in responding within 20 days. You may be aware, the Freedom of Information Act in England does not set a required time limit for answering a "review request" in the same way it does for the initial requests to be responded to and it is therefore up to public authorities to address the need to conduct reviews within a reasonable timescale, but delays in this case have occurred and a response to this request for an Internal Review could not be completed, until such time as a response to the original request was completed and issued.

The response of the MSCCT IRO dated 11 July 2012 added:

The additional issues that you state have either not been addressed or have introduced under the previous Q 1 will be responded to under a new FOI reference which is VTR 2601, by the MSCCT Fol Officer.

The reference VTR 2601 was incorrect, the bullet points in your email dated 28 May 2012 were forwarded for response by DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information Officer. This request was given the reference FOI 3550-2445 and is currently being considered.

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 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX@xxx.xxx.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.gov.uk