

To Mr P Smith

6 March 2013

Dear Mr Smith,

**Freedom of Information Act - Request for Internal Review**  
**Our Reference: FOI IR 0193**

Thank you for your email dated 23 February 2013 requesting a review of the Department for Work and Pensions (DWP) handling of your request ESA Medical Conditions and Requirement to Attend a Medical Assessment  
In your email you asked:

*By law you should have replied to my FOI Request by the 22nd Feb 2013, as usual the DWP are flouting the law that they themselves demand others abide by.*

- 1) Why is there a delay in replying to my FOI Request?*
- 2) Who is the person who decided to delay my reply?*
- 3) I demand an internal review?*

Please be assured that your request has been given our full consideration and that all aspects of your review were taken fully into account.

The review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests. The case has been examined afresh, and guidance has been sought from domain experts to ensure all factors were taken fully into account.

Your request ESA Medical Conditions and Requirement to Attend a Medical Assessment (FOI) was received by the Department on 25 January 2013.

The Freedom of Information (Fol) Act allows 20 working days from date of receipt of the request in which to respond. DWP endeavour to answer promptly and no later than the 20 day deadline, unless the deadline is extended to consider if an exemption applies. Having reviewed FOI 0369, it appears that the reason for the delay was that a query issued by the FOI Officer to obtain the information that you requested was misdirected to the incorrect area within the Department.

The 20 working day deadline for the request was 22 February 2013 and it is noted that the response was issued to you via the What Do They Know website on 1 March 2013. In this instance, the Department failed to respond within the 20 working days and DWP apologise for the delay and for not reflecting this in our response.

In reviewing your request the FOI Internal Reviewing Officer upholds your complaint as the Department failed to respond to your request within 20 days.

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

Yours sincerely,

Business Management Team  
Health & Disability Assessments (Operations)  
[dwp.medicalservicescorrespondence@dwp.gsi.gov.uk](mailto:dwp.medicalservicescorrespondence@dwp.gsi.gov.uk)

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**Your right to complain under the Freedom of Information Act**

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](http://www.ico.gov.uk)