

26 March 2019

To Mr S Grove
request-545784-da730e26@whatdotheyknow.com

Dear Mr S Grove

Thank you for your email requesting a review of the Department for Work and Pensions (DWP) response dated 26 February 2019, reference Fol 2564.

You asked:

“Section 72 of the Welfare Reform Act permits the Secretary of State to transfer personal information of claimants for the purposes of training. As the DWP knows both Work Programme (WP) providers and their subcontractors had the sole role of monitoring benefit conditionality. This is evidenced by there not being a formal complaint process to the DWP should a benefit claimant consider that they were not receiving suitable training. The complaint process had to be direct to the WP provider, which was most likely staffed by low intelligence low level bullies.

The DWP ceased mandating NI only claimants to the WP in September 2012 most likely due to concerns that overzealous WP providers or their subcontractors were mandating such claimants to work-related activities (WRA), activities that were not a conditionality of their benefit claim and therefore overstepping WP provider authority (the WP provider would have been breaking the law).

Given the DWP knowingly transferred personal data for purposes that were not related to training then this transfer of data would have been a breach of the Data Protection Act 1998. What legislation allowed the DWP to behave in this way?”

DWP Response:

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

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed by someone unconnected with the handling of your original request.

Firstly, I should explain that the Work Programme was designed to support a wide variety of claimants back into sustained employment. Providers have the flexibility to design support based on each participant needs. The Department requires providers to work directly with

individuals to resolve complaints about their service. If an individual is not happy with the final response from their provider, they can take the complaint directly to the Independent Case Examiner's Service (ICE); an independent complaints review service which investigates complaints about the Department and its providers.

As stated in the previous response the Department is allowed to share information about claimants under Schedule 2 & 3 of the Data Protection Act 1998, Regulation 13 (4) of the Social Security (Claims and Information) Regulations 1999/3108 and Section 72 of the Welfare Reform Act.

I am therefore satisfied that the original response dated 1 January 2018 was correct, therefore in reviewing your request I uphold the decision of the Freedom of Information Officer in part and have added information where appropriate. I am therefore satisfied now that all the information that the Department are able to supply to you has been supplied.

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.

If you have any queries about this letter, please contact us 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 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