



Address: **Official Correspondence Team**  
**People, Communication and Capability**  
Finance Group  
Ground Floor, Quarry House  
Quarry Hill, LEEDS  
LS2 7UA

Email: [official.correspondence@dpw.gsi.gov.uk](mailto:official.correspondence@dpw.gsi.gov.uk)

Website: [www.dpw.gov.uk](http://www.dpw.gov.uk)

Date: 3 February 2016

Angela Snodgrove  
Sent via Whatdotheyknow website

Dear Ms Snodgrove

**Freedom of Information Act - Request for Information**  
**Our Reference: FOI 0105**

Thank you for your Freedom of Information request received on 12 January 2016. You asked:

*May I please see a copy of the current contract awarded to Maximus that covers fit for work assessments?*

*May I please see a copy of the last contract awarded to Atos for the same work?*

*In addition, will you please give full details in each case of the financial incentives or bonuses offered for the contract holder (Maximus) to assess a claimant as fit for work?*

*Who is Maximus' indemnity/public liability insurer, and what is the value of the policy?*

A copy of the Maximus contract is available on the Contracts Finder website:  
<https://online.contractsfinder.businesslink.gov.uk:443/Common/View%20Notice.aspx?site=1000&lang=en&NoticeId=1644334>

A copy of the Atos contract is available in the House of Lords Library: The Medical Services Contract can be found using the following website address or link:  
<http://deposits.parliament.uk/>

In the search box complete only the fields 'date range' and 'house', please input 19/07/2014 in both the date fields. Select Lords from the House drop down menu. Click Go and then click on Dep2014-1173.zip from the list of search results.  
If you do not have access to the Internet at home, you may be able to use facilities at your local public library.

The versions of the contracts between the Department for Work and Pensions (DWP) and Maximus (Centre for Health and Disability Assessment Services) and between DWP and Atos Origin IT Services UK Limited (Atos Healthcare) placed in the public domain have had parts removed that contain information exempt under Sections 40(2) (third party personal information where disclosure would breach data protection principles) and 43 of the Freedom of Information Act 2000. When information is exempt under Section 43, this is due to commercial sensitivity.

Personal information about a third party is treated as exempt information under section 40(2) of the Freedom of Information (FoI) Act 2000. This is because access to personal information is treated under the provisions of the Data Protection Act 1998 and can only be released to you where such disclosure would not breach that person's right to privacy.

DWP maintains the following policy on disclosure of personal information:

"All personal information held in social security records is regarded as confidential. Information will not normally be disclosed to third parties without the consent of the person concerned. Information may normally be disclosed without consent to meet statutory requirements; to comply with a court order; to prevent duplication of payments from public funds; or where there is a compelling public interest in making the disclosure."

**All** disclosures made by DWP, in order to be considered authorised must be able to demonstrate that at least one of the above criteria apply. Any disclosure must have a sound legal footing and comply with the Data Protection Act 1998 Principles.

Under the FoI Act, DWP is not obliged to confirm or deny that it holds personal information about third parties, but in any event, even if it was held, the Department would not disclose personal information to you.

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. It is intended to protect the ability of a public authority like DWP to obtain goods or services on the best possible commercial terms and to protect the legitimate commercial interests of its suppliers. The information you seek falls into this category.

As required by the FoI Act the use of this exemption requires the public interest for and against disclosure to be assessed. Generally speaking there is a public interest in the disclosure of commercial information to ensure transparency in the accountability of public funds and to show that public money is being used effectively. Conversely, there is a public interest in ensuring that disclosure does not compromise an existing competitive market environment or the Department's ability to secure best value for money for the taxpayer. On balance I am satisfied that, in this instance, the public interest in applying the exemption outweighs the public interest in disclosure.

There is no financial incentive for the contract holder to assess a claimant as fit for work.

Maximus' indemnity/public liability insurer and the value of the policy is exempt under Section 43 of the Freedom of Information Act, see above.

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

Yours sincerely

**Official Correspondence Team**

## People, Communication and Capability

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### 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@dpw.gsi.gov.uk](mailto:freedom-of-information-request@dpw.gsi.gov.uk) or by writing to DWP, Central FoI Team, Caxton House, 6-12 Tothill Street, London. 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](http://www.ico.gov.uk)