

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Our Ref: VTR2030

7<sup>th</sup> May 2013

Dear Kevin Brown,

Thank you for your Freedom of Information request which is copied below along with our response.

It has been suggested that if a Jobseeker's Allowance claimant will not "willingly" register with your new Job Brokerage service "Universal Jobmatch" a Jobcentre Adviser will be then be able to mandate the claimant to register against their will via a "Jobseeker's Direction" if the adviser thinks that it is "reasonable" for the claimant to do so. Having read the privacy statement and the terms and conditions of Universal Jobmatch, it is made clear that just by merely registering with Universal Jobmatch the user is consenting to the privacy infringement and the terms and conditions, also the user is consenting to accept cookies.

Can you please tell me, what legal right does a Jobcentre adviser have and how can it ever be possibly be considered to be "reasonable" to force a claimant to accept an infringement on their privacy, to accept Universal Jobmatch terms and conditions and accept cookies if the claimants consent is not freely given? Isn't forcing a claimant to register with Universal Jobmatch against their will via a Jobseeker's Direction a breach of their human rights and Data Protection rights?

As of Friday 1 March 2013, where appropriate advisers can require some Jobseeker's Allowance (JSA) claimants to create a profile and public CV within the Universal Jobmatch service via the Government Gateway.

Initially, the Jobcentre Plus adviser will explain the benefits of the service to the claimant. If they still refuse to use Universal Jobmatch, the adviser may then consider whether it is reasonable to issue a Jobseeker's Direction to mandate them to create a profile and public CV on Universal Jobmatch.

Before issuing a Jobseeker's Direction the adviser will take a claimant's individual circumstances into account including whether they have access to the internet or not. Jobseeker's Directions require Jobseeker's Allowance claimants to take specific actions which will help them find work, and failure to do so without good reason may result in a benefit

sanction. Jobseeker's Directions can be issued under section 19A(2)(c) of the Jobseekers Act 1995.

Jobseeker's Allowance (JSA) claimants (jobseekers) can lawfully be sanctioned for refusing, without good reason, to follow a reasonable Jobseeker's Direction to create a profile and public CV in Universal Jobmatch. Section 19A(2)(C) of the Jobseekers Act 1995 and regulation 69A of the Jobseeker's Allowance Regulations 1996 support this action.

The Data Protection Act states that data must be lawfully processed and the Department takes its responsibility as data controller for the information that we control very seriously. Universal Jobmatch was designed with the privacy and confidentiality of the jobseekers' information at the forefront.

DWP has powers to require JSA claimants to register with Universal Jobmatch, where this is reasonable (taking all of the claimant's circumstances into account, including whether it will improve the claimant's chances of securing employment, and whether they have reasonable access to the internet), using a Jobseeker's Direction (under section 19A of the Jobseekers Act 1995). It is not necessary for DWP to obtain the claimant's consent for such processing to be lawful. Use of Universal Jobmatch does not require the user to waive their rights under the Data Protection Act.

Universal Jobmatch cookies do not store personal information about individual users. However, if a claimant does not consent to accept UJ cookies on their own PC; their adviser may then consider whether it is reasonable to issue a Jobseeker's Direction to mandate them to create a profile and upload a public CV on Universal Jobmatch using a DWP Internet Access Device where available.

Requirements that can be imposed on JSA claimants in relation to UJ are compatible with the European Convention on Human Rights or Human Rights Act 1998.

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

Yours sincerely,

DWP Central FoI Team

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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@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.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](http://www.ico.gov.uk)