



Address:

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

Email:

official.correspondence@dwp.gsi.gov.uk

Website:

www.dwp.gov.uk

Date:

23 March 2016

Ian Wolf
Sent via Whatdotheyknow website

Dear Mr Wolf

Freedom of Information Act - Request for Information
Our Reference: FOI 0682

Thank you for your Freedom of Information request received on 22 February 2016. You asked:

What are the particular legal obligations of your community work placement (cwp) participants to disclose sensitive personal data, such as any disability and health conditions, to your cwp contracted providers or associate work placement hosts (wph)? Do your contractors and wph require Jobcentre customer consent to process their health and disability data or should they decline to disclose it or allow it to be processed what are the sanctions that will apply?

Legal authority for sharing data is provided in section 72 of the Welfare Reform and Pensions Act, the Social Security (Claims and Information) Regulations 1999, and the Welfare Reform and Pensions Act 1999 (Section 72) Designation (No.2) Order 2014.

The Designation Order provides express legal authority for information sharing between DWP (or DWP's contracted providers) and third party organisations offering work experience or work placements in respect of a person in receipt of benefit who is required to take part in a work placement. A copy of the Designation Order can be found at <http://data.parliament.uk/DepositedPapers/Files/DEP2014-1299/DS.pdf>

Claimants can choose to delete certain information on their Action Plan but there are certain elements which must form a customer record and these are always sent for example name, address, national insurance number. All the information is being used and transferred as a necessary step for the purposes that it was supplied to DWP, i.e. the administration of the benefit being claimed.

A claimant can only be sanctioned for a failure to participate in the scheme without good reason under Jobseeker's Act section 19A (2)(b) - failure to comply with regulations made under Jobseeker's section 17A(1) which is the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 for the Community Work Placements scheme. A provider is acting on behalf of the Secretary of State but only has the authority to carry out certain contracted out functions as per Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations, Regulation 17 with regard to participation and notification.

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**

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@dwpgsi.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