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request-334103-afcd9953@whatdotheyknow.com

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: FOI 1832

5 July 2016

Dear Mr Kruger,

Thank you for your Freedom of Information request which we received on 12 May 2016.

You asked:

I have recently been asked to attend a PIP medical. When I arrived at the centre, 2 Queen Caroline Street, London, W6, Regus House I found that ATOS (or any of its sub companies) was not known there. Since this address can be rented by the day, the receptionist called a few offices and found a renter called PHYSIO WORLD LTD, who claims to be acting on the DWP's behalf, would be carrying out the PIP assessment. Can you please confirm or deny whether or not this company is acting as a sub contractor to ATOS IT (trading as ATOS Healthcare) because on the invitation letter it clearly said ATOS HEALTHCARE on behalf of the DWP, or if the DWP has a contract with PHYSIO WORLD LTD directly to carry out these assessments?

Can you please clarify why and exactly which of my personal sensitive medical data (I have an illness that automatically qualifies me as disabled under the Equality Act 2000) is being shared with PHYSIO WORLD Ltd, Company number 09805028, a private Ltd company that has been incorporated on the 1 October 2015, and has yet to declare their 'nature of business' and has not yet filed accounts?

Can you tell me whether or not the DWP has a contract with this private Ltd company 'Physio world' newcomer, who has a limited liability of £1? How much is 'Physio World' paid per PIP consultation.

How is a claimant assumed to have given 'explicit' consent to have his personal, sensitive medical data shared with companies incorporated after the claimant signed the declaration, when the Data Protection Act makes it clear that one can only give consent to circumstances that have been known at the time? In the PHYSIO WORLD example, the PIP application was signed, say 1 April 2015, yet the Data is being shared with a company that wasn't in existence at the time?

Another newcomer is company number 09072343 The Centre For Disability Assessments LTD, another company with a maximum liability of £1, reported turnover : £67,774,723 they made a loss of £50,309 and which was pretty much dormant but 'just sitting' in case the ultimate owner MAXIMUS HEALTH AND HUMAN SERVICES LTD and MAXIMUS COMPANIES LTD needed it and its involvement in ESA assessments. I would like to know where the £67million Pound of tax payers money has evaporated to and how a company, that is insolvent is able to carry on trading with upcoming liabilities of over £21million due within 1 year, is still able to carry on with the DWP's blessing?

Can you please confirm to me whether or not ATOS IT is still the IT service provider for ESA and PIP assessments and how much the DWP is paying for leasing the system ATOS IT provides and, if you have it, how much MAXIMUS (and it's variants) pay ATOS IT for use of the existing system that ATOS IT (trading as ATOS HEALTHCARE) just 'abandoned' last year?

Is ATOS IT, as the system provider, therefore able to access all confidential health records that are being passed by the DWP to MAXIMUS for ESA assessments?

Please explain how the data is passed from the DWP to Physioworld and/or to ATOS IT. Does the data, at any stage, leave the originator system that the DWP has full and exclusive control of?

Who maintains this third party system?

My condition requires explicit consent to be shared with a third party, how come the DWP does not seek my consent and shares this data with companies I do not wish to share my data with?

ATOS says the DWP is the Data Controller, the DWP says ATOS is the Data Controller, can you please clarify who the ultimate Data Controller is and when and how a Data Controller (DWP) makes a third party interloper and private company (ATOS IT / MAXIMUS UK) a Data Controller?

I can opt out of ATOS having an electronic record of my day-to-day medical data, for example data held by my GP or the Hospital, called 'care.data'. Is there an option for me to withdraw consent for similar data being given to MAXIMUS or ATOS IT or any newly formed company like PHYSIO WORLD LTD who isn't even sure what business they are in, who have been fined in many countries for their data protection infringements because they each have a parent company that specifically sells that information to Insurance providers or to Pharmaceutical Companies or (care.data / Dame Fiona Caldicott in April 2014 admitted the scheme to be 'mishandled') anybody who wants to pay them for an anonymised version, which, if you have a bit of extra data will still make the data subject easily identifiable?

Please tell me the names of all the companies that have an active involvement in the electronic processing / transfer /maintenance program used by the DWP.

In response:-

The PIP Consultation Centre, 2 Queen Caroline Street, London, W6, Regus House is listed on the Atos list of assessment centres found at the following link:
http://www.atoshealthcare.com/pip/consultation_locations/london

Physio World Ltd is an authorised sub-contractor of Atos for the provision of PIP assessment services. DWP's contract is with Atos and they are accountable for ensuring that their partners deliver. Because Physio World Ltd is a sub-contractor, their contract for the provision of PIP

assessment services is between Physio World and Atos. Atos are responsible for making payment to their subcontractors for the provision of services.

The Department has decided not to disclose the commercial arrangements between Physio World and Atos in accordance with Section 43 of the Freedom of Information Act 2000. This exemption covers Commercial Interests. Disclosure would reveal to their competitors commercially sensitive financial aspects of their contract which would disadvantage Atos Healthcare and Capita's competitive position in the marketplace. This in turn would prejudice the ability of the Department to secure best value for the taxpayer when the contract is re-tendered. Release of this type of key financial information would also undermine the effectiveness of the Department's future dealings with Atos Healthcare, Capita or other service providers.

In applying this exemption the Department has balanced the public interest in withholding the information against the public interest in disclosing the information and considers there is no overarching public interest argument in favour of releasing this information as the Department is unable to prejudice its commercial interests.

On your questions regarding the release of personal data, DWP is the Data Controller for personal information processed by its contracted providers, the Data Processors. Assessment Providers will hold personal information about DWP claimants for the business purposes which they are contracted to DWP to provide.

The Assessment Provider, as data processor of this personal information, is obliged to handle this personal information as DWP would.

DWP, as Data Controller, retains full responsibility for the data handling actions of the Assessment Provider. The contractor can only use DWP data in accordance with the terms of the contract. One of these terms states that the contractor must obtain prior written consent from DWP in order to transfer personal data to any sub-contractors for the provision of the services.

The Terms and Conditions of the contract between DWP and Atos states:-

"The Provider shall obtain written consent from the Authority in order to transfer the Personal Data to any Sub-contractors or agents for the provision of the Services".

Also;

"Provider shall not assign, sub-contract or in any other way dispose of the Contract or any part of it without prior Approval."

The Department is satisfied that robust and transparent arrangements are in place to cover the financing of the Health and Disability Assessment Services (HDAS) contract.

Atos are still the IT Service Provider for ESA Work Capability Assessments. Atos IT staff have no application access to any IT systems. Their Service Centre cleared privileged support users will have access to databases holding some personal data but not confidential health records passed from the DWP to Maximus/CHDA. Atos IT is supported and maintained by Atos. Details about the contract (the Assessment Services Information Systems contract) are available on Contracts Finder Archive (<https://data.gov.uk/data/contracts-finder-archive/>)

DWP IT for ESA is supported and maintained by Accenture and HPES. Electronic processing with the DWP and transfer between the DWP and Atos IT for Work Capability Assessment referrals (which are encrypted and using a secure Network link) uses infrastructure and applications hosted and supported by the following companies – Accenture, HPES, BT and Atos.

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

Yours sincerely

DWP Central Fol Team

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 or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter. Please remember to quote the reference number above in any future communications.

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